

Exhibit 16

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

RIPPLE LABS INC., BRADLEY
GARLINGHOUSE, AND CHRISTIAN A.
LARSEN,

Defendants.

20 Civ. 10832 (AT)

EXPERT REBUTTAL REPORT OF DANIEL R. FISCHER

November 12, 2021

I. QUALIFICATIONS

1. I am President of Compass Lexecon, a consulting firm that specializes in the application of economics to a variety of legal and regulatory issues. I am also the Lee and Brena Freeman Professor of Law and Business Emeritus at The University of Chicago Law School. I have served previously as Dean of The University of Chicago Law School, Director of the Law and Economics Program at The University of Chicago, and as Professor of Law and Business at The University of Chicago Graduate School of Business, the Kellogg School of Management at Northwestern University, and the Northwestern University Law School.

2. Both my research and my teaching have concerned the economics of corporate law and financial markets. I have published approximately fifty articles in leading legal and economics journals and am co-author, with Judge Frank Easterbrook of the Seventh Circuit Court of Appeals, of the book *The Economic Structure of Corporate Law* (Harvard University Press, 1991). Courts of all levels, including the Supreme Court of the United States, have cited my articles as authoritative. I have written and testified extensively about uses of event studies. My curriculum vitae, which contains a list of my publications, is attached hereto as Appendix A.

3. I have served as a consultant or adviser on economic issues to, among others, the United States Department of Justice, the United States Securities and Exchange Commission, the National Association of Securities Dealers, the New York Stock Exchange, the Chicago Board of Trade, the Chicago Mercantile Exchange, the New York Mercantile Exchange, the United States Department of Labor, the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, the Federal Housing Finance Agency, and the Federal Trade Commission.

4. I am a member of the American Economic Association and the American Finance Association. I am also a former Trustee of the Becker Friedman Institute, a former member of the Board of Directors of the Center for the Study of the Economy and the State at The University of Chicago, and former Chairman of the American Association of Law Schools' Section on Law and Economics. I have testified as an expert witness in multiple proceedings in federal and state courts across the country, as detailed in Appendix A.

II. BACKGROUND

5. I understand that the relevant background is as follows. The XRP Ledger is a public blockchain technology that was developed by David Schwartz, Jed McCaleb, and Arthur Britto between 2011 and June 2012.¹ XRP is the native digital asset of the XRP Ledger.² In September 2012, the technology company n/k/a Ripple Labs Inc. ("Ripple" or the "Company"), was founded to "build use cases for the digital asset" XRP.³ Shortly after the formation of the Company, the founders contributed 80 billion units of XRP to the Company, or 80% of the 100 billion units in existence.⁴

¹ See <https://xrpl.org/xrp-ledger-overview.html> and <https://xrpl.org/history.html>.

² See <https://xrpl.org/xrp-overview.html> and <https://xrpl.org/history.html>.

³ See <https://xrpl.org/history.html>. I understand that the Company was initially named NewCoin and then OpenCoin before changing its name to Ripple in 2013. I also understand that the term "Ripple" initially stood for "the open-source project, the unique consensus ledger (Ripple Consensus Ledger), transaction protocol (Ripple Transaction Protocol or RTXP), the network (Ripple network), and the digital asset (known as 'ripples')" and that "[f]or clarity, the community simply started calling the digital asset by its currency code, 'XRP'." *Id.*

⁴ See <https://xrpl.org/xrp-overview.html> and <https://xrpl.org/history.html>. In December 2017, Ripple placed 55 billion units of XRP, or 55% of the 100 billion units in existence, into a series of escrows, which provided an upper limit on the amount of new XRP that could be brought into circulation. See <https://ripple.com/insights/explanation-ripples-xrp-escrow/>.

6. The Securities and Exchange Commission (“SEC”) has brought this action against Ripple, Bradley Garlinghouse, and Chris Larsen (“Defendants”) for alleged violations of Section 5(a) and (c) of the Securities Act of 1933 (the “Securities Act”).⁵ Specifically, the SEC argues that “XRP was an investment contract and therefore a security subject to the registration requirements of the federal securities laws”⁶ and, therefore, Ripple engaged in “a years-long unregistered offering of securities [...] by selling XRP without providing the type of financial and managerial information typically provided in registration statements and subsequent period and current filings.”^{7, 8}

7. In *SEC v. W. J. Howey Co.*, the Supreme Court ruled that “an investment contract for purposes of the Securities Act means a contract, transaction or scheme whereby a person invests his money in a common enterprise and is led to expect profits solely from the efforts of

⁵ See *Securities and Exchange Commission v. Ripple Labs, et al.*, First Amended Complaint filed February 18, 2021 (“Amended Complaint”), p. 1 and ¶ 9.

⁶ Amended Complaint, ¶ 231.

⁷ Amended Complaint, ¶ 5.

⁸ I understand that “security” is defined in Section 2(a)(1) of the Securities Act as follows: “The term ‘security’ means any note, stock, treasury stock, security future, security-based swap, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, **investment contract**, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities (including any interest therein or based on the value thereof), or any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency, or, in general, any interest or instrument commonly known as a ‘security’, or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.” (Emphasis added.)

the promoter or a third party.”⁹ I understand that this decision is commonly referred to as the *Howey* Test.¹⁰

8. The SEC submitted the initial report of Dr. [REDACTED] on October 4, 2021.¹¹ In his report, Dr. [REDACTED] states that he “understand[s] that the XRP token is not a claim on the assets or earnings of Ripple Labs and that Ripple Labs maintains that market participants do not view Ripple Labs’ efforts as relevant to the XRP market price.”¹² He also states that he “[has] been asked by the SEC’s litigation counsel to test whether news about Ripple Labs and its actions is associated with statistically significant XRP price changes.”¹³

9. Dr. [REDACTED] uses an event study methodology to “test whether XRP returns are associated with news about Ripple,”¹⁴ specifically whether news about Ripple coincide with statistically significant price changes in XRP “more frequently than random chance could explain.”¹⁵ Dr. [REDACTED] argues that “[i]f there is a relationship between Ripple’s actions and XRP returns,” then he “would expect that (presumptively positive) news would be significantly associated with positive returns” and “that such news would [not] be significantly associated with negative returns[.]”¹⁶

⁹ *SEC v. W. J. Howey Co.*, 328 U.S. 293 (1946).

¹⁰ “The test is whether the scheme involves an investment of money in a common enterprise with profits to come solely from the efforts of others. If that test be satisfied, it is immaterial whether the enterprise is speculative or non-speculative or whether there is a sale of property with or without intrinsic value.” *SEC v. W. J. Howey Co.*, 328 U.S. 293 (1946).

¹¹ See Expert Report of [REDACTED] Ph.D., October 4, 2021 (“[REDACTED] Report”).

¹² [REDACTED] Report, ¶ 30.

¹³ [REDACTED] Report, ¶ 30.

¹⁴ [REDACTED] Report, ¶ 28.

¹⁵ [REDACTED] Report, ¶ 31.

¹⁶ [REDACTED] Report, ¶ 64.

10. To identify “pertinent” news to test, Dr. [REDACTED] collects “news which Ripple Labs has identified to be important by virtue of (i) having issued a press release about the event, or (ii) having written about it on its Insights/News page, or (iii) having linked to a third-party news outlet in its curated Newsroom page.”¹⁷ He then classifies these announcements into various categories based on his own “judgment.”¹⁸ In total, Dr. [REDACTED] identifies 514 events¹⁹ but focuses his analysis on “news announcements in [] categories related more directly to XRP[.]”^{20, 21}

11. Specifically, Dr. [REDACTED] tests for statistically significant correlation between XRP price increases and the following categories of announcements that he assumes are more directly related to XRP: (1) Milestones (“key event[s] in the history of Ripple Labs not related to products or customers”); (2) Trading Platform Listings (“announcement[s] that XRP is available for trading on a new digital asset trading platform”); (3) Customer & Product Developments (“announcement[s] related to new customer relationship[s] ... or products, including enhancements to the XRP ledger protocol”); (4) Ripple Commercialization Initiatives (“initiative[s] launched by Ripple Labs primarily described as being related to the commercialization or promotion of Ripple’s products or technology in the XRP ecosystem”); and (5) “Select Categories,” which combines announcements in the forgoing categories and

¹⁷ [REDACTED] Report, ¶ 48.a.

¹⁸ See [REDACTED] Report, ¶ 48.b.

¹⁹ See [REDACTED] Report, ¶ 49. See also, [REDACTED] Report, Appendix C.

²⁰ [REDACTED] Report, ¶ 50.

²¹ Dr. [REDACTED] also excludes announcements from his analysis if “the announcement may substantially repeat a previous announcement” or “the nature of the announcement may not have a particular directional implication for XRP prices, even assuming the hypothesis of independence is false.” [REDACTED] Report, ¶ 48.c.

Acquisitions & Investments (“announcement[s] of an acquisition or investment made by Ripple Labs, including through its development arm Xpring”).^{22, 23}

12. To test for significant correlation between XRP price increases and these announcements, Dr. [REDACTED] uses an event study analysis, which has four steps:

- (i) First, Dr. [REDACTED] specifies the regression model of XRP returns. He considers 20 different regression models and estimates each model using 180-day estimation windows.²⁴
- (ii) Second, Dr. [REDACTED] specifies the window over which to measure the changes in XRP prices following a news event, i.e., the “event window.” He considers a 1-day event window (date t), a 2-day event window (dates t and t+1), and a 3-day event window (dates t, t+1, and t+2).²⁵
- (iii) Third, Dr. [REDACTED] estimates the (cumulative) abnormal returns for each trading day over the corresponding event window and then determines which are statistically

²² [REDACTED] Report, ¶ 48.b. See also, [REDACTED] Report, Figure 1 (p. 3) and Appendix E, pp. 1-7, 10.

²³ Dr. [REDACTED] also tests the significance of correlation between XRP price increases and the two other categories of announcements, which he assumes are less related to XRP: (i) Other Initiatives and (ii) Office & Staff Announcement. See [REDACTED] Report, ¶¶ 48.b, 91-97 and Appendix E, pp. 8-9. Additionally, I note that Dr. [REDACTED] identifies but does not analyze announcements in the following categories, presumably because he assumes these announcements are even less related to XRP: (i) Case Study; (ii) Charity; (iii) Corporate Activity & Announcement; (iv) Litigation; (v) Market Commentary & Company Overview; (vi) Markets Report; and (vii) Miscellaneous. See [REDACTED] Report, ¶¶ 48.b, 50. “For certain other categories, such as general market commentary (often written by third parties and which does not break new information), it seems self-evident that there should be no meaningful connection with the XRP market in any case, hence testing such categories is not informative.” *Id.*, ¶ 50.

²⁴ See [REDACTED] Report, ¶ 60. See also, *id.*, Section V.B (¶¶ 39-43) and Figure 7 (p. 19).

²⁵ See [REDACTED] Report, ¶ 61. Dr. [REDACTED] states that he “conservatively limit[s] [his] analysis to a three day window – meaning, [he] associate[s] price reactions to a news event on date t only if [he] find[s] evidence of statistically significant price movements in the first three days.” *Id.*, ¶ 38.

significant using a parametric approach and a nonparametric approach.²⁶ He evaluates the statistical significance of abnormal returns at the 5% significance level in a one-sided test and a two-sided test.²⁷ Dr. [REDACTED] classifies date *t* as “significantly positive” if any of its cumulative returns over the 1-, 2-, or 3-day event windows are statistically significant and positive and none of its cumulative returns over those windows are statistically significant and negative.²⁸

- (iv) Finally, Dr. [REDACTED] examines the interaction between the set of news days he identified and the set of days with significantly positive XRP returns.²⁹

13. In other words, Dr. [REDACTED] analysis “selects different categories of news event, determines how many of those correspond to significantly positive XRP returns according to different regression models [he] consider[s], and then calculates how likely that outcome is.”³⁰ Based on his analysis, Dr. [REDACTED] concludes that “XRP prices react to certain news and public statements about Ripple’s actions,” particularly “important milestones in the history of [Ripple] and [] announcements more directly related to XRP.”³¹

²⁶ See [REDACTED] Report, ¶ 62. Dr. [REDACTED] parametric approach “assesses the abnormal return against the significant thresholds from the t-distribution (approximately 1.64 for a one-sided test and 1.96 for a two-sided test),” while his nonparametric approach “assesses the abnormal return against the distribution of standardized abnormal returns observed over the 180 days used to estimate the regression model.” [REDACTED] Report, ¶¶ 62.a-62.b.

²⁷ “The ‘one-sided’ test classifies a return as significant if there is only a 5% probability of drawing a greater (more positive) return. The ‘two-sided’ test classifies a return as significant if there is only a 5% probability of drawing a more extreme (whether positive or negative) return. When using the ‘two-sided’ standard, I continue to restrict myself only to positive returns, unless otherwise noted.” [REDACTED] Report, note 65.

²⁸ See [REDACTED] Report, ¶ 63.

²⁹ See [REDACTED] Report, ¶ 64.

³⁰ [REDACTED] Report, ¶ 58.

³¹ [REDACTED] Report, ¶ 12.a.

III. ASSIGNMENT AND SUMMARY OF CONCLUSIONS

14. I have been asked by counsel for Ripple to review, evaluate, and respond to Dr. [REDACTED] event study methodology from an economics perspective. Based on my review of the economic evidence, I have concluded that Dr. [REDACTED] analysis is fundamentally flawed for multiple reasons and provides no support for the SEC's claim that XRP is a security:

- (i) First, the findings of Dr. [REDACTED] event study methodology do not demonstrate that XRP holders profit solely or primarily from the efforts of Ripple.
- (ii) Second, Dr. [REDACTED] misinterprets his own findings by failing to recognize that many of the announcements that he finds to be statistically significant are confounded.
- (iii) Third, Dr. [REDACTED] fails to appreciate the significance of his own admission that XRP did not trade in an efficient market.
- (iv) Fourth, Dr. [REDACTED] fails to provide any explanation as to why his event study methodology would shed any light on whether XRP holders are engaged in a "common enterprise" with Ripple.

15. I elaborate upon and provide the bases for my opinions in Section IV of this report. In performing this work, I have received assistance from Compass Lexecon personnel working under my supervision. Compass Lexecon is being compensated for the time spent by Compass Lexecon personnel at their customary hourly rates. My current hourly rate is \$1,750. My compensation is not contingent on the analyses we conducted or the opinions I offer in this report. A list of materials we have relied upon in connection with the preparation of this report is attached as Appendix B.

IV. DR. [REDACTED] ANALYSIS IS FUNDAMENTALLY FLAWED AND PROVIDES NO SUPPORT FOR THE SEC’S CLAIM THAT XRP IS A SECURITY

16. From an economics perspective, holders of a security issued by a company have a claim on some of the cash flows generated by a set of assets or, in certain states of the world, a claim on the assets themselves.³² For example, stock and bond holders have a claim on the cash flows and assets of the underlying company. However, as Dr. [REDACTED] acknowledges, and the SEC has admitted,³³ holders of XRP do not have a claim on any of Ripple’s cash flows or assets in any state of the world.³⁴ Instead, Dr. [REDACTED] uses an event study methodology to “test whether XRP returns are associated with news about Ripple,”³⁵ and, based on his analysis, concludes that XRP had statistically significant returns following some (but not all) announcements³⁶ made by Ripple.³⁷ For the reasons discussed below, I have concluded that Dr. [REDACTED] analysis is

³² See e.g., Aswath Damodaran, “Approaches to Valuation,” in *Investment Valuation: Tools and Techniques for Determining the Value of Any Asset* (3rd Ed., John Wiley & Sons, 1996), Chapter 2, pp. 11-26. “[D]iscounted cash flow valuation ... is the foundation on which all other valuation approaches are built This approach has its foundation in the present value rule, where the value of any asset is the present value of expected future cash flows on it.” *Id.*, p. 11.

³³ See Plaintiff’s Answers and Objections to Defendants’ First Set of Requests for Admission, dated July 16, 2021, pp. 19-20: “[T]he Commission admits that holders of XRP are not entitled to receive any return of principal, dividend, interest, rent, royalties, license payments, lease payments, or any other payment or consideration from Ripple, based solely on their status as a holder of XRP [T]he Commission admits that Ripple is not obligated to share any return of principal, dividend, rent, royalties, license payments, lease payments, or any other payment or consideration to any holder of XRP, based solely on his or her status as a holder of XRP.”

³⁴ See [REDACTED] Report, ¶ 30: “I understand that the XRP token is not a claim on the assets or earnings of Ripple Labs.”

³⁵ [REDACTED] Report, ¶ 28.

³⁶ See *infra*, Section IV.A.

³⁷ [REDACTED] Report, ¶ 12.a.

fundamentally flawed and provides no support for the SEC’s claim that XRP is a security under the *Howey* Test.

A. The Findings of Dr. [REDACTED] Event Study Methodology Do Not Demonstrate that XRP Holders Profit Solely or Primarily from the Efforts of Ripple

17. Dr. [REDACTED] claims that “across major milestones in the history of Ripple Labs and across those categories of news more directly related to XRP’s proposed use cases, there is statistically significant evidence that the price of XRP reacts to news of Ripple’s actions.”³⁸ While I do not agree with Dr. [REDACTED] identification and categorization of event days, for brevity’s sake, in this section, I refer to the event days with announcements analyzed in Dr. [REDACTED] “Select Categories” test as “days with news about Ripple’s efforts” and to all other days as “days with no news about Ripple’s efforts.”³⁹

18. Even if one were to assume that the event days analyzed in Dr. [REDACTED] “Select Categories” test were solely or primarily related to the efforts of Ripple—which, as I discuss in Section IV.B *infra*, they are not—the findings of his event study methodology do not demonstrate that XRP holders profit solely or primarily from the efforts of Ripple. In fact, taken at face value, Dr. [REDACTED] analysis finds that (i) most days with significantly positive XRP returns

³⁸ [REDACTED] Report, ¶ 65.

³⁹ As discussed above, Dr. [REDACTED] identifies other categories of announcements but does not analyze those announcements in his “Select Categories” test—presumably because Dr. [REDACTED] assumes those categories of announcements are not directly related to XRP and/or do not disclose new information about Ripple’s efforts. *See supra*, note 20. Moreover, as I discuss in Section IV.B *infra*, even the announcements that Dr. [REDACTED] analyzes in his “Select Categories” test confound information about Ripple’s efforts with information about market conditions for XRP.

had no news about Ripple's efforts and (ii) most days with news about Ripple's efforts did not have significantly positive XRP returns.

19. In his "Select Categories" test, Dr. [REDACTED] analyzes 105 event days⁴⁰ with announcements in any of the following categories: (1) Milestones, (2) Trading Platform Listings, (3) Customer & Product Developments, (4) Ripple Commercialization Initiatives, and (5) Acquisitions & Investments.⁴¹ Between May 5, 2014 (the first event day tested by Dr. [REDACTED] and October 28, 2020 (the last event day tested by Dr. [REDACTED] there were 2,369 total trading days.⁴² Dr. [REDACTED] estimates abnormal returns for each of these 2,369 trading days using 20 regression models and then evaluates the abnormal returns at the 5% significance level using a parametric and nonparametric approach.^{43, 44}

20. Using his event study methodology, Dr. [REDACTED] "Select Categories" test identifies 76 to 267 days with significantly positive XRP returns and 15 to 31 event days where news about Ripple's efforts corresponded with significantly positive XRP returns. See Exhibit 1. As the exhibit shows, these findings demonstrate that (i) 76.3% to 89.5% of days with significantly positive XRP returns had no news about Ripple's efforts analyzed by Dr. [REDACTED] and (ii) 70.5% to 84.8% of days with news about Ripple's efforts analyzed by Dr. [REDACTED] did not have significantly

⁴⁰ See *infra*, note 44.

⁴¹ See [REDACTED] Report, Figure 1 (p. 3) and ¶ 98. See also [REDACTED] Report, Appendix E, p. 10.

⁴² See *infra*, note 44.

⁴³ See [REDACTED] Report, ¶¶ 42, 54, 60-63. For both the parametric and nonparametric approach, Dr. [REDACTED] uses a one-sided test and two-sided test.

⁴⁴ In eight out of 20 regression models, Dr. [REDACTED] controls for the returns of Ether (ETH), which only has pricing data beginning on August 7, 2015. For these models, Dr. [REDACTED] cannot estimate abnormal returns for earlier trading days and, therefore, he cannot test some of the earlier event days. See [REDACTED] Report, note 46. Using these models, Dr. [REDACTED] estimated abnormal returns for 1,725 to 1,726 trading days (depending on the model specification) and tested 90 event days. See Exhibit 1.

positive XRP returns. See Exhibit 1. In other words, taken at face value, the findings of Dr.

■■■■■ event study methodology do not demonstrate that XRP holders profit solely or primarily from the efforts of Ripple.

B. Dr. ■■■■■ Misinterprets His Own Findings by Failing to Recognize That Many of the Announcements That He Finds to Be Statistically Significant are Confounded

21. Dr. ■■■■■ claims that his “results indicate that the price of XRP reacts to the news about actions of Ripple Labs” and, therefore, he “reject[s] the hypothesis that XRP prices are independent of Ripple Labs.”^{45, 46} However, the announcements that Dr. ■■■■■ analyzed confound information about Ripple’s efforts with information about market conditions for XRP. Such confounding information include information related to the expected supply and demand for XRP and information about the decisions and expectations of market participants other than Ripple, none of which is solely or primarily related to Ripple’s efforts or under Ripple’s direct or indirect control. In other words, Dr. ■■■■■ analysis erroneously assumes that statistically significant XRP returns following these announcements are always (and only) related to information about Ripple’s efforts and never related to information about market conditions for XRP.

22. The fact that statistically significant XRP returns are correlated with announcements relating to the expected supply and demand for XRP or other market conditions does not establish that XRP is a security. Companies can and routinely do make announcements

⁴⁵ ■■■■■ Report, ¶ 67.

⁴⁶ Specifically, Dr. ■■■■■ concludes that significantly positive XRP returns are correlated with the following categories of announcements: (1) Milestones, (2) Trading Platform Listings, (3) Customer & Product, (4) Ripple Commercialization Initiatives, and (5) “Select Categories,” which combines announcements in the forgoing categories and Acquisitions & Investments. See e.g., ■■■■■ Report, Figure 1 (p. 3) and Sections VI.A-VI.D, VI.F.

that relate to the supply and demand for a commodity or good that then affect the price of the commodity or good. For example, if an oil producer announces a new oil pipeline, one could imagine that the local oil prices would be affected at the start of the pipeline (due to increased demand) and at the end of the pipeline (due to increased supply). These announcements contain information about the company's efforts as well as information about market conditions for a commodity or good, but this correlation does not make the commodity or good a security. While Ripple (because it holds a substantial amount of XRP) and holders of XRP can both simultaneously gain or lose from XRP price changes, an oil producer and oil investors (both of which hold oil) could likewise gain or lose at the same time due to oil price movements. But it is clear that an oil producer and oil investors are not in a common enterprise and oil is not a security.

23. It is evident that the “news announcements in [] categories related more directly to XRP”⁴⁷ that Dr. [REDACTED] analyzes provide information relating to the expected supply and demand for XRP and/or information about the decisions and expectations of market participants unaffiliated with Ripple, neither of which is solely nor primarily related to Ripple's efforts.

- (i) “Milestones,” such as early financing rounds for equity investments in Ripple, provide information about the expectations of Ripple's sophisticated institutional investors about the state of the market for XRP, since Ripple holds a large quantity of XRP. They also provide information about the expected supply of XRP, to the extent that market participants would expect Ripple to sell fewer XRP tokens to fund its business operations after completing an equity financing round. Similarly, announcements relating to Ripple's decision to escrow 55 billion XRP tokens, which Dr. [REDACTED] categorizes as milestone events, provide information

⁴⁷ [REDACTED] Report, ¶ 50.

about the expected supply of XRP.⁴⁸ Ripple's receiving a "New York's First BitLicense for an Institutional Use Case of Digital Assets" provides information about the expected demand for XRP and about the decisions and expectations of cryptocurrency regulators.

- (ii) "Trading Platform Listings" often occurred without any involvement by Ripple, as Dr. [REDACTED] acknowledges,⁴⁹ and provide information about the expected supply and demand for XRP from cryptocurrency market participants currently active on those platforms and those that will be active on those platforms in the future. Moreover, the fact that a platform decides to list XRP provides positive signals about the platform's expectation of future market conditions for XRP and is not solely or primarily due to Ripple's efforts. Indeed, other cryptocurrencies such as bitcoin are listed on platforms without the effort of a company like Ripple.⁵⁰
- (iii) "Customers & Product Developments" are announcements about banks and other financial companies intending to use Ripple software.⁵¹ These events again provide information about the decisions and expectations of market participants, as well as information about the expected supply and demand for XRP from users of the XRP Ledger. Indeed, Dr. [REDACTED] admits that "it is not always clear if Ripple is an active participant or not"⁵² regarding these announcements, let alone whether the action is solely or primarily due to Ripple's efforts.
- (iv) "Ripple Commercialization Initiatives" are announcements about Ripple launching initiatives "described as commercializing or promoting its technology and payment solutions, including some described as creating use-cases for XRP."⁵³ As with customers and product developments, these events provide information about the market conditions for XRP and, when these announcements

⁴⁸ [REDACTED] Report, Figure 13 (p. 30).

⁴⁹ Of the 11 announcements identified by Dr. [REDACTED] he acknowledges that only six announcements involved Ripple actions. See [REDACTED] Report, Figure 16 (p. 34).

⁵⁰ [REDACTED] Report, Figure 16 (p. 34).

⁵¹ See [REDACTED] Report, ¶¶ 48.b, 83-85.

⁵² [REDACTED] Report, ¶ 83.

⁵³ [REDACTED] Report, ¶ 88.

relate to partnerships with other market participants, provide information about the decisions and expectations of those market participants.⁵⁴

24. In contrast, when Dr. [REDACTED] analyzes categories of announcements that are less likely to confound information about supply and demand for XRP and/or market conditions for XRP, his event study methodology does not find a statistically significant correlation between XRP price increases and those announcements. As discussed above, Dr. [REDACTED] tests the significance of correlation between XRP price increases and two categories of announcements that he assumes are less related to XRP: (i) Other Initiatives (“initiative[s] not primarily described as being related to the commercialization or promotion of Ripple’s products or technology in the XRP ecosystem”⁵⁵) and Office & Staff Announcements (“announcement[s] of executive staff changes or the opening of a new office”⁵⁶).⁵⁷ Unsurprisingly, Dr. [REDACTED] finds that XRP prices do not react significantly to these announcements, because these announcements are unlikely to provide information about market conditions for XRP and Ripple is not engaged in a common enterprise to share cash flows or assets with holders of XRP.

25. The announcements that Dr. [REDACTED] analyzes and finds to be correlated with significantly positive XRP returns may be further confounded by other announcements that fall on or near the event day, which may not be related to Ripple’s efforts. As shown in Exhibit 2, for the 105 event days that Dr. [REDACTED] analyzes in his “Select Categories” test, on average,

⁵⁴ For example, announcement about banks launching a “Global Payments Steering Group.” [REDACTED] Report, ¶ 88 and note 80.

⁵⁵ [REDACTED] Report, ¶ 48.b.

⁵⁶ [REDACTED] Report, ¶ 48.b.

⁵⁷ See *supra*, note 22. See also, [REDACTED] Report, ¶¶ 91-97.

Dr. [REDACTED] has identified 5 other announcements within 10 days of the event day,⁵⁸ 4 other announcements within 7 days of the event day, and 2 other announcements within 3 days of the event day. In other words, Dr. [REDACTED] event study methodology cannot disentangle the impact of contemporaneous announcements on XRP prices, especially since, as Dr. [REDACTED] acknowledges, XRP did not trade in an efficient market.⁵⁹

26. In summary, Dr. [REDACTED] analysis cannot establish that XRP prices reacted solely or primarily to information about Ripple's efforts⁶⁰ because the announcements that Dr. [REDACTED] analyzed (i) confound information about Ripple's efforts with information about market conditions for XRP and/or (ii) may be confounded by other contemporaneous announcements.

C. Dr. [REDACTED] Fails to Appreciate the Significance of His Own Admission That XRP Did Not Trade in an Efficient Market

27. In financial economics, capital markets are called "efficient" if market prices fully reflect available information.⁶¹ When an event study is used to measure the impact of certain events on market prices, it is explicitly assumed that the market is efficient, at least with respect to publicly available information.⁶² In other words, it is assumed that market prices adjust to

⁵⁸ One of the articles Dr. [REDACTED] cites regarding event studies in cryptocurrency markets use a 20-day event window. See [REDACTED] Report, note 42.

⁵⁹ As discussed in more detail below, Dr. [REDACTED] fails to appreciate the significance of his own admission that XRP did not trade in an efficient market. See infra, Section IV.C.

⁶⁰ As discussed above, the *Howey* Test's definition of an investment contract is "a contract, transaction or scheme whereby a person invests his money in a common enterprise and is led to expect profits solely from the efforts of the promoter or a third party." See supra, ¶ 7.

⁶¹ See e.g., Eugene Fama, *Efficient Capital Markets: A Review of Theory and Empirical Work*, 25 *The Journal of Finance Economic Literature* (May 1970), pp. 383-417.

⁶² This assumption is widely discussed in academic literature on event studies, including the literature cited by Dr. [REDACTED]. See [REDACTED] Report, note 31, citing John J. Binder, *The Event Study Methodology Since 1969*, 11 *Review of Quantitative Finance and Accounting* (1995),

new information quickly and without bias. However, as Dr. [REDACTED] acknowledges, cryptocurrency markets, including the XRP market, are less efficient than many capital markets and incorporate new information into prices more slowly;⁶³ therefore, his event study methodology is unreliable. Indeed, Dr. [REDACTED] fails to establish over what time period, if ever, information is fully incorporated into XRP prices without bias.

28. Dr. [REDACTED] acknowledges that “[a]cademic researchers have found that the digital token markets, including the XRP market, are generally less informationally efficient than the stock market” and that his own analysis “is consistent with the academic literature in that, by one common measure of efficiency (serial correlation), the XRP market is not fully efficient during the period of interest.”⁶⁴ He further acknowledges that, to account for the lack of market efficiency, academic researchers often use multi-day event windows when conducting event studies on cryptocurrency prices.⁶⁵

29. Although the use of longer event windows allows more time for new information to be fully incorporated into XRP prices, it also introduces the potential impact from other new information, as well as noise. Different types of information may take different amounts of time to be fully incorporated into prices. For example, if price reactions to certain announcements overshoot during the first few days before ultimately correcting, an event window that is too

pp. 111-137 at p. 111. “In practice, event studies have been used for two major reasons: 1) to test the null hypothesis that the market efficiently incorporates information ... and 2) under the maintained hypothesis of market efficiency, at least with respect to publicly available information, to examine the impact of some event on the wealth of the firm’s security holders.” *Id.*, p. 111. (Emphasis added.)

⁶³ See [REDACTED] Report, ¶ 35.

⁶⁴ [REDACTED] Report, ¶ 35.

⁶⁵ See [REDACTED] Report, ¶ 37. The academic literature that Dr. [REDACTED] cites uses event windows as long as 20 days (ten before and after the event being analyzed). See *id.*, note 42.

short and only includes the overshooting but not the correction will result in a biased estimate of price reaction.

30. For his analysis, Dr. [REDACTED] uses a 3-day window, with 1-day and 7-day window sensitivities. Dr. [REDACTED] does not, however, establish over what time period, if ever, information is fully incorporated into XRP prices without bias. As a result, his entire event study methodology is unreliable.

D. Dr. [REDACTED] Fails to Provide Any Explanation As to Why His Event Study Methodology Would Shed Any Light On Whether XRP Holders are Engaged in a “Common Enterprise” with Ripple

31. Dr. [REDACTED] has not explained the relationship between his conclusion that “XRP prices react to certain news and public statements about Ripple’s actions”⁶⁶ and the SEC’s claim that XRP is a security under the *Howey* Test. That is not surprising because the event study methodology used by Dr. [REDACTED] cannot and does not establish whether XRP holders are engaged in a “common enterprise” with Ripple, much less whether those holders were led to expect profits or returns generated solely or primarily from the entrepreneurial or managerial efforts of Ripple.

32. An event study is simply a statistical method that identifies when information about an asset is released and measures the contemporaneous market price response.⁶⁷ There are two primary reasons to use an event study: 1) to test the null hypothesis that a market is

⁶⁶ [REDACTED] Report, ¶ 12.a.

⁶⁷ See e.g., Eugene Fama, Lawrence Fisher, Michael Jensen, and Richard Roll, *The Adjustment of Stock Prices to New Information*, 10 *International Economic Review* (1969), pp. 1-21; A. Craig MacKinlay, *Event Studies in Economics and Finance*, 35 *Journal of Economic Literature* (1997), pp. 13-39.

semi-strong efficient (i.e., to test whether market prices efficiently incorporate publicly available information); and 2) under the hypothesis of a semi-strong efficiency, to measure the impact of certain events on market prices.⁶⁸ However, an event study cannot establish whether an asset is a security because, in an efficient market, asset prices will react to publicly available information about the asset—regardless of whether or not the asset is a security.⁶⁹ Although Dr. [REDACTED] claims that “[a]cademic researchers have applied the event study methodology to digital token markets,”⁷⁰ none of the literature that he cites to attempts to use an event study methodology to establish whether or not digital tokens are securities.⁷¹

⁶⁸ See e.g., John J. Binder, *The Event Study Methodology Since 1969*, 11 *Review of Quantitative Finance and Accounting* (1995), pp. 111-137 at p. 111: “In practice, event studies have been used for two major reasons: 1) to test the null hypothesis that the market efficiently incorporates information ... and 2) under the maintained hypothesis of market efficiency, at least with respect to publicly available information, to examine the impact of some event on the wealth of the firm’s security holders.” See also, Ronald J. Gilson and Bernard S. Black, “Event Studies: Measuring the Impact of Information,” in *The Law and Finance of Corporate Acquisitions* (2nd Ed., The Foundation Press, 1995), Chapter 6, pp. 185-187.

⁶⁹ See e.g., Eugene Fama, *Efficient Capital Markets: A Review of Theory and Empirical Work*, 25 *Journal of Finance* (1970), pp. 383-417. In my academic publications, I have discussed how all available information about a firm will be reflected in the firm’s stock price in efficient capital markets. See e.g., Daniel R. Fischel, *Use of Modern Finance Theory in Securities Fraud Cases Involving Actively Traded Securities*, 38 *The Business Lawyer* (1982), pp. 1-20 at p. 4: “In an efficient capital market, such as American stock markets, [...] the market price of a firm’s stock will reflect all available information about the firm’s prospects.”

⁷⁰ [REDACTED] Report, ¶ 36.

⁷¹ In fact, the literature that Dr. [REDACTED] cites is primarily concerned with testing whether digital token markets are efficient. See e.g., Wenjun Feng, Yiming Wang, and Zhengjun Zhang, “Informed Trading in the Bitcoin Market,” *Finance Research Letters* Vol. 26, 2018, pp. 63-70 at p. 68: “In this study, we use transaction-level data to investigate informed trading prior to Bitcoin events ... we find evidence of informed trading in the Bitcoin market ahead of cryptocurrency-related negative Bitcoin market events, and ahead of large positive events.” See also, Mohammad Hashemi Joo, Yuka Nishikawa, and Krishnan Dandapani,

33. From an economics perspective, the reasons why an event study cannot establish whether an asset is a security are easily demonstrated via simple thought experiments:

- (i) Companies can issue multiple types of securities, e.g., stocks and bonds. Numerous event studies have been conducted on stocks and bonds, and it is well established that (in most states of the world) stocks are more sensitive to new information about their issuers than bonds, given their position in the capital structure of a firm.⁷² It is completely possible to conduct an event study where certain news about a company is significantly correlated with stock price changes but is not significantly correlated with bond price changes. However, if one were to follow the flawed logic of Dr. [REDACTED] event study methodology and the SEC's position that XRP is a security, the company's bonds would be misclassified as non-securities.
- (ii) Companies can make announcements about their activities that provide

"Announcement effects in the cryptocurrency market," *Applied Economics* Vol. 52, No. 44, 2020, pp. 4794-4808 at p. 4794: "The aims of this study are twofold. First, we examine market reactions during major event announcement periods using event study methodology. Second, we further investigate if the information diffusion allows arbitragers to have an opportunity to make positive profits even after the event announcement."

⁷² See e.g., Larry Y. Dann, "Common Stock Repurchases: An Analysis of Returns to Bondholders and Stockholders," *J. Financial Economics* Vol. 9 (1981), pp. 113-138 ("In contrast with the returns to common stock and convertible senior securities, no significant announcement date returns are experienced by owners of straight debt and straight preferred stock."); Paul Asquith and E. Han Kim, "The Impact of Merger Bids on the Participating Firms' Security Holders," *J. Finance* Vol. 37, No. 5 (December 1982), pp. 1209-1228 ("The results show that while the stockholders of target firms gain from a merger bid, no other securityholders either gain or lose."); Narayanan Jayaraman and Kuldeep Shastri, "The Valuation Impacts of Specially Designated Dividends," *J. Financial and Quantitative Analysis* Vol. 23, No. 3 (September 1988), pp. 301-312 ("[W]e find that stock prices react positively to the announcements of specially designated dividends. In addition, our empirical evidence indicates that bond prices are not affected by SDD announcements."); Chris Veld and Yulia V. Veld-Merkoulova, "An Empirical Analysis of the Stockholder-Bondholder Conflict in Corporate Spin-Offs," *Financial Managements* (Spring 2008), pp. 103-124 ("Over a three-day event window, we find statistically significant abnormal returns of 3.07% for stocks and 0.11% for straight bonds.").

information about other companies.⁷³ Consider a hypothetical scenario where Company A and Company B generally have correlated earnings and where Company A typically releases earnings announcements before Company B. In such a scenario, an event study might find that Company A's earnings announcements are significantly correlated with price changes in Company B's stock. It might even show that Company B's stock price changes are more correlated with Company A's earnings announcements than its own earnings announcements. However, that event study would not prove that investors in Company B stock are engaged in a common enterprise to share profits from the efforts of Company A.

- (iii) Companies routinely make announcements about their activities that provide information about overall market conditions. Such information may lead to statistically significant changes in the prices of assets held by third-party investors even though those investors have no claims on the cash flows or assets of the company. In other words, even though both the company and investors are affected by the change in asset prices, the parties are not engaged in a common enterprise to share profits or returns, so the asset is not a security. For example:

⁷³ See e.g., Michael Firth, "The Impact of Earnings Announcements on the Share Price Behavior of Similar Type Firms," *The Economic Journal* 86 (June 1976), pp. 296-306 ("[I]nvestors use the information contained in the announcement of financial results to re-evaluate the share prices not only of the company whose results are being announced, but also of the closely competing companies.") and Stephen P. Baginski, "Intraindustry Information Transfers Associated with Management Forecasts of Earnings," *J Accounting Research* Vol. 25, No. 2 (Autumn 1987), pp. 196-216 ("[T]he management forecast of one firm (discloser) generates unexpected price reactions for firms (nondisclosers) similar to the forecaster.").

- o Suppose that DeBeers announces a new advertising campaign promoting diamonds and, following this announcement, the price of diamonds on the secondary market increases by a statistically significant amount. That price reaction would not establish that diamonds are a security issued by DeBeers because DeBeers is not engaged in a common enterprise to share profits or returns with holders of diamonds.
 - o Suppose that Exxon announces a new oil pipeline, which leads to statistically significant changes in the price of oil at each end of the pipeline. That price reaction would not demonstrate that oil is a security issued by Exxon because Exxon is not engaged in a common enterprise with third-party holders of oil.
- (iv) Consumer goods are not securities and yet, it is possible for news about a producer to result in price changes in the secondary market for its consumer goods. In such instances, those price reactions do not demonstrate that the owners of consumer goods are in a common enterprise to share profits from the efforts of producers.
- o For example, when professional sports teams win games, there is often an increase in the price of tickets to future games on the secondary market.⁷⁴
 - o Similarly, news about financial distress at an automobile manufacturer can impact the secondary market price for that manufacturer's used cars.⁷⁵

⁷⁴ See e.g., Joris Drayer, Daniel A. Rascher & Chad D. McEvoy, "An examination of underlying consumer demand and sport pricing using secondary market data," *Sport Management Review* 15:4, pp. 448-460.

⁷⁵ See e.g., Ali Hortaçsu, Gregor Matvos, Chad Syverson, and Sriram Venkataraman, "Indirect Costs of Financial Distress in Durable Goods Industries: The Case of Auto Manufacturers," *The Review of Financial Studies* Vol. 26, No. 5, May 2013, pp. 1248-1290.

34. In summary, even if Dr. [REDACTED] analysis demonstrates that XRP prices reacted around the time of certain announcements made by Ripple,⁷⁶ such a finding cannot and does not establish whether XRP holders are engaged in a “common enterprise” to share profits or returns generated solely or primarily by the entrepreneurial or managerial efforts of Ripple.

⁷⁶ As discussed above, Dr. [REDACTED] analysis cannot establish that XRP prices reacted solely or primarily to information about Ripple’s efforts because the announcements that Dr. [REDACTED] analyzed are confounded. See supra, Section IV.B.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 12, 2021.

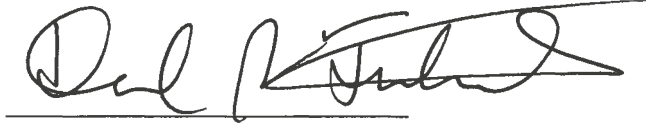
A handwritten signature in black ink, appearing to read "Paul R. Johnson", is written over a horizontal line.

Exhibit 1

The Findings of Dr. [REDACTED] "Select Categories" Test Do Not Imply that XRP Holders Profit Solely or Primarily from the Efforts of Ripple

	# of Trading Days				# of Event Days				# of Non-Event Days				% of Trading Days w/ Significant Returns		% of Event Days	
	With		Without		With		Without		With		Without		Non-	With	Without	
	Total	Significant Returns	Total	Significant Returns	Total	Significant Returns	Total	Significant Returns	Total	Significant Returns	Total	Significant Returns	Event Days	Significant Returns	Significant Returns	
	[A]	[B]	[C]	[D]	[E]	[F]	[G]	[H]	[I]	[J]	[K]	[L]	[M]			
Range for All 20 Models Used by Dr. ██████████																
Minimum	1,725	76	1,540	90	15	64	1,635	61	1,474	10.5%	76.3%	15.2%	70.5%			
Maximum	2,369	267	2,259	105	31	89	2,264	236	2,171	23.8%	89.5%	29.5%	84.8%			
Range for 12 Models Without ETH Returns																
Minimum	2,369	110	2,102	105	16	74	2,264	93	2,028	10.5%	84.5%	15.2%	70.5%			
Maximum	2,369	267	2,259	105	31	89	2,264	236	2,171	15.5%	89.5%	29.5%	84.8%			
Range for 8 Models With ETH Returns																
Minimum	1,725	76	1,540	90	15	64	1,635	61	1,474	12.9%	76.3%	16.7%	71.1%			
Maximum	1,726	185	1,650	90	26	75	1,636	161	1,575	23.8%	87.1%	28.9%	83.3%			

Exhibit 1
The Findings of Dr. [REDACTED] "Select Categories" Test Do Not Imply that XRP Holders Profit Solely or Primarily from the Efforts of Ripple

	# of Trading Days				# of Event Days				# of Non-Event Days				% of Trading Days w/ Significant Returns				% of Event Days			
	With Significant Returns		Without Significant Returns		With Significant Returns		Without Significant Returns		With Significant Returns		Without Significant Returns		Event Days		Non-Event Days		With Significant Returns		Without Significant Returns	
	[A]	[B]	[C]	[D]	[E]	[F]	[G]	[H]	[I]	[J]	[K]	[L]	[M]	[N]	[O]	[P]	[Q]	[R]	[S]	[T]
Model 1: Constant Mean Return																				
1-Sided Parametric	2,369	199	2,170	105	24	81	2,264	175	2,089	12.1%	87.9%	22.9%	77.1%							
1-Sided Nonparametric	2,369	236	2,133	105	28	77	2,264	208	2,056	11.9%	88.1%	26.7%	73.3%							
2-Sided Parametric	2,369	147	2,222	105	19	86	2,264	128	2,136	12.9%	87.1%	18.1%	81.9%							
2-Sided Nonparametric	2,369	120	2,249	105	16	89	2,264	104	2,160	13.3%	86.7%	15.2%	84.8%							
Model 2: Account Growth																				
1-Sided Parametric	2,369	181	2,188	105	24	81	2,264	157	2,107	13.3%	86.7%	22.9%	77.1%							
1-Sided Nonparametric	2,369	228	2,141	105	27	78	2,264	201	2,063	11.8%	88.2%	25.7%	74.3%							
2-Sided Parametric	2,369	133	2,236	105	17	88	2,264	116	2,148	12.8%	87.2%	16.2%	83.8%							
2-Sided Nonparametric	2,369	110	2,259	105	17	88	2,264	93	2,171	15.5%	84.5%	16.2%	83.8%							
Model 3: BTC Returns																				
1-Sided Parametric	2,369	209	2,160	105	25	80	2,264	184	2,080	12.0%	88.0%	23.8%	76.2%							
1-Sided Nonparametric	2,369	258	2,111	105	31	74	2,264	227	2,037	12.0%	88.0%	29.5%	70.5%							
2-Sided Parametric	2,369	167	2,202	105	22	83	2,264	145	2,119	13.2%	86.8%	21.0%	79.0%							
2-Sided Nonparametric	2,369	127	2,242	105	18	87	2,264	109	2,155	14.2%	85.8%	17.1%	82.9%							
Model 4: BTC Returns + Account Growth																				
1-Sided Parametric	2,369	191	2,178	105	21	84	2,264	170	2,094	11.0%	89.0%	20.0%	80.0%							
1-Sided Nonparametric	2,369	238	2,131	105	26	79	2,264	212	2,052	10.9%	89.1%	24.8%	75.2%							
2-Sided Parametric	2,369	150	2,219	105	21	84	2,264	129	2,135	14.0%	86.0%	20.0%	80.0%							
2-Sided Nonparametric	2,369	124	2,245	105	18	87	2,264	106	2,158	14.5%	85.5%	17.1%	82.9%							
Model 5: BTC Returns + ETH Returns																				
1-Sided Parametric	1,726	151	1,575	90	24	66	1,636	127	1,509	15.9%	84.1%	26.7%	73.3%							
1-Sided Nonparametric	1,726	182	1,544	90	25	65	1,636	157	1,479	13.7%	86.3%	27.8%	72.2%							
2-Sided Parametric	1,726	120	1,606	90	20	70	1,636	100	1,536	16.7%	83.3%	22.2%	77.8%							
2-Sided Nonparametric	1,726	100	1,626	90	20	70	1,636	80	1,556	20.0%	80.0%	22.2%	77.8%							

Exhibit 1

The Findings of Dr. [REDACTED] "Select Categories" Test Do Not Imply that XRP Holders Profit Solely or Primarily from the Efforts of Ripple

	# of Trading Days				# of Event Days				# of Non-Event Days				% of Trading Days w/ Significant Returns		% of Event Days	
	With		Without		With		Without		With		Without		Non-Event Days	Event Days	With Significant Returns	Without Significant Returns
	Total	Significant Returns	Total	Significant Returns	Total	Significant Returns	Total	Significant Returns	Total	Significant Returns						
	[A]	[B]	[C]	[D]	[E]	[F]	[G]	[H]	[I]	[J]	[K]	[L]	[M]			
<u>Model 6: BTC Returns + ETH Returns + Account Growth</u>																
1-Sided Parametric	1,726	121	1,605	90	21	69	1,636	100	1,536	17.4%	82.6%	23.3%	76.7%			
1-Sided Nonparametric	1,726	164	1,562	90	23	67	1,636	141	1,495	14.0%	86.0%	25.6%	74.4%			
2-Sided Parametric	1,726	97	1,629	90	19	71	1,636	78	1,558	19.6%	80.4%	21.1%	78.9%			
2-Sided Nonparametric	1,726	80	1,646	90	19	71	1,636	61	1,575	23.8%	76.3%	21.1%	78.9%			
<u>Model 7: BTC Returns + ETH Returns + XLM Returns</u>																
1-Sided Parametric	1,726	131	1,595	90	22	68	1,636	109	1,527	16.8%	83.2%	24.4%	75.6%			
1-Sided Nonparametric	1,726	180	1,546	90	26	64	1,636	154	1,482	14.4%	85.6%	28.9%	71.1%			
2-Sided Parametric	1,726	103	1,623	90	18	72	1,636	85	1,551	17.5%	82.5%	20.0%	80.0%			
2-Sided Nonparametric	1,726	90	1,636	90	17	73	1,636	73	1,563	18.9%	81.1%	18.9%	81.1%			
<u>Model 8: BTC Returns + ETH Returns + XLM Returns + Account Growth</u>																
1-Sided Parametric	1,726	118	1,608	90	20	70	1,636	98	1,538	16.9%	83.1%	22.2%	77.8%			
1-Sided Nonparametric	1,726	170	1,556	90	22	68	1,636	148	1,488	12.9%	87.1%	24.4%	75.6%			
2-Sided Parametric	1,726	92	1,634	90	17	73	1,636	75	1,561	18.5%	81.5%	18.9%	81.1%			
2-Sided Nonparametric	1,726	76	1,650	90	15	75	1,636	61	1,575	19.7%	80.3%	16.7%	83.3%			
<u>Model 9: Equal-Weighted Crypto Index</u>																
1-Sided Parametric	2,369	214	2,155	105	25	80	2,264	189	2,075	11.7%	88.3%	23.8%	76.2%			
1-Sided Nonparametric	2,369	267	2,102	105	31	74	2,264	236	2,028	11.6%	88.4%	29.5%	70.5%			
2-Sided Parametric	2,369	156	2,213	105	21	84	2,264	135	2,129	13.5%	86.5%	20.0%	80.0%			
2-Sided Nonparametric	2,369	133	2,236	105	18	87	2,264	115	2,149	13.5%	86.5%	17.1%	82.9%			
<u>Model 10: Equal-Weighted Crypto Index + Account Growth</u>																
1-Sided Parametric	2,369	196	2,173	105	22	83	2,264	174	2,090	11.2%	88.8%	21.0%	79.0%			
1-Sided Nonparametric	2,369	258	2,111	105	27	78	2,264	231	2,033	10.5%	89.5%	25.7%	74.3%			
2-Sided Parametric	2,369	144	2,225	105	19	86	2,264	125	2,139	13.2%	86.8%	18.1%	81.9%			
2-Sided Nonparametric	2,369	126	2,243	105	17	88	2,264	109	2,155	13.5%	86.5%	16.2%	83.8%			

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	# of Trading Days				# of Event Days				# of Non-Event Days				% of Trading Days w/ Significant Returns		% of Event Days	
	With		Without		With		Without		With		Without		Non-		With	
	Total	[A]	[B]	[C]	Total	[D]	[E]	[F]	Total	[G]	[H]	[I]	Total	[J]	Total	[L]
Model 11: Lagged XRP Returns																
1-Sided Parametric	2,369	203	2,166		105	25	80		2,264	178	2,086		12.3%	87.7%	23.8%	76.2%
1-Sided Nonparametric	2,369	246	2,123		105	29	76		2,264	217	2,047		11.8%	88.2%	27.6%	72.4%
2-Sided Parametric	2,369	143	2,226		105	19	86		2,264	124	2,140		13.3%	86.7%	18.1%	81.9%
2-Sided Nonparametric	2,369	126	2,243		105	18	87		2,264	108	2,156		14.3%	85.7%	17.1%	82.9%
Model 12: Account Growth + Lagged Variables																
1-Sided Parametric	2,369	188	2,181		105	26	79		2,264	162	2,102		13.8%	86.2%	24.8%	75.2%
1-Sided Nonparametric	2,369	239	2,130		105	30	75		2,264	209	2,055		12.6%	87.4%	28.6%	71.4%
2-Sided Parametric	2,369	135	2,234		105	19	86		2,264	116	2,148		14.1%	85.9%	18.1%	81.9%
2-Sided Nonparametric	2,369	125	2,244		105	19	86		2,264	106	2,158		15.2%	84.8%	18.1%	81.9%
Model 13: BTC Returns + Lagged Variables																
1-Sided Parametric	2,369	205	2,164		105	25	80		2,264	180	2,084		12.2%	87.8%	23.8%	76.2%
1-Sided Nonparametric	2,369	251	2,118		105	28	77		2,264	223	2,041		11.2%	88.8%	26.7%	73.3%
2-Sided Parametric	2,369	162	2,207		105	21	84		2,264	141	2,123		13.0%	87.0%	20.0%	80.0%
2-Sided Nonparametric	2,369	139	2,230		105	20	85		2,264	119	2,145		14.4%	85.6%	19.0%	81.0%
Model 14: BTC Returns + Account Growth + Lagged Variables																
1-Sided Parametric	2,369	198	2,171		105	24	81		2,264	174	2,090		12.1%	87.9%	22.9%	77.1%
1-Sided Nonparametric	2,369	254	2,115		105	29	76		2,264	225	2,039		11.4%	88.6%	27.6%	72.4%
2-Sided Parametric	2,369	156	2,213		105	23	82		2,264	133	2,131		14.7%	85.3%	21.9%	78.1%
2-Sided Nonparametric	2,369	133	2,236		105	20	85		2,264	113	2,151		15.0%	85.0%	19.0%	81.0%
Model 15: BTC Returns + ETH Returns + Lagged Variables																
1-Sided Parametric	1,725	147	1,578		90	23	67		1,635	124	1,511		15.6%	84.4%	25.6%	74.4%
1-Sided Nonparametric	1,725	184	1,541		90	26	64		1,635	158	1,477		14.1%	85.9%	28.9%	71.1%
2-Sided Parametric	1,725	115	1,610		90	20	70		1,635	95	1,540		17.4%	82.6%	22.2%	77.8%
2-Sided Nonparametric	1,725	104	1,621		90	20	70		1,635	84	1,551		19.2%	80.8%	22.2%	77.8%

Exhibit 1

The Findings of Dr. [REDACTED] "Select Categories" Test Do Not Imply that XRP Holders Profit Solely or Primarily from the Efforts of Ripple

	# of Trading Days				# of Event Days				# of Non-Event Days				% of Trading Days w/ Significant Returns		% of Event Days	
	With		Without		With		Without		With		Without		Non-Event Days	Event Days	With Significant Returns	Without Significant Returns
	Total	Significant Returns	Total	Significant Returns	Total	Significant Returns	Total	Significant Returns	Total	Significant Returns						
	[A]	[B]	[C]	[D]	[E]	[F]	[G]	[H]	[I]	[J]	[K]	[L]	[M]			
Model 16: BTC Returns + ETH Returns + Account Growth + Lagged Variables																
1-Sided Parametric	1,725	136	1,589	90	22	68	1,635	114	1,521	16.2%	83.8%	24.4%	75.6%			
1-Sided Nonparametric	1,725	179	1,546	90	25	65	1,635	154	1,481	14.0%	86.0%	27.8%	72.2%			
2-Sided Parametric	1,725	99	1,626	90	20	70	1,635	79	1,556	20.2%	79.8%	22.2%	77.8%			
2-Sided Nonparametric	1,725	95	1,630	90	19	71	1,635	76	1,559	20.0%	80.0%	21.1%	78.9%			
Model 17: BTC Returns + ETH Returns + XLM Returns + Lagged Variables																
1-Sided Parametric	1,725	138	1,587	90	21	69	1,635	117	1,518	15.2%	84.8%	23.3%	76.7%			
1-Sided Nonparametric	1,725	176	1,549	90	25	65	1,635	151	1,484	14.2%	85.8%	27.8%	72.2%			
2-Sided Parametric	1,725	101	1,624	90	19	71	1,635	82	1,553	18.8%	81.2%	21.1%	78.9%			
2-Sided Nonparametric	1,725	101	1,624	90	20	70	1,635	81	1,554	19.8%	80.2%	22.2%	77.8%			
Model 18: BTC Returns + ETH Returns + XLM Returns + Account Growth + Lagged Variables																
1-Sided Parametric	1,725	131	1,594	90	21	69	1,635	110	1,525	16.0%	84.0%	23.3%	76.7%			
1-Sided Nonparametric	1,725	185	1,540	90	24	66	1,635	161	1,474	13.0%	87.0%	26.7%	73.3%			
2-Sided Parametric	1,725	100	1,625	90	19	71	1,635	81	1,554	19.0%	81.0%	21.1%	78.9%			
2-Sided Nonparametric	1,725	98	1,627	90	18	72	1,635	80	1,555	18.4%	81.6%	20.0%	80.0%			
Model 19: Equal-Weighted Crypto Index + Lagged Variables																
1-Sided Parametric	2,369	204	2,165	105	25	80	2,264	179	2,085	12.3%	87.7%	23.8%	76.2%			
1-Sided Nonparametric	2,369	255	2,114	105	28	77	2,264	227	2,037	11.0%	89.0%	26.7%	73.3%			
2-Sided Parametric	2,369	154	2,215	105	21	84	2,264	133	2,131	13.6%	86.4%	20.0%	80.0%			
2-Sided Nonparametric	2,369	141	2,228	105	20	85	2,264	121	2,143	14.2%	85.8%	19.0%	81.0%			
Model 20: Equal-Weighted Crypto Index + Account Growth + Lagged Variables																
1-Sided Parametric	2,369	203	2,166	105	25	80	2,264	178	2,086	12.3%	87.7%	23.8%	76.2%			
1-Sided Nonparametric	2,369	266	2,103	105	30	75	2,264	236	2,028	11.3%	88.7%	28.6%	71.4%			
2-Sided Parametric	2,369	152	2,217	105	23	82	2,264	129	2,135	15.1%	84.9%	21.9%	78.1%			
2-Sided Nonparametric	2,369	144	2,225	105	21	84	2,264	123	2,141	14.6%	85.4%	20.0%	80.0%			

Exhibit 1
The Findings of Dr. [REDACTED] "Select Categories" Test Do Not Imply that XRP Holders Profit Solely or Primarily from the Efforts of Ripple

# of Trading Days				# of Event Days				# of Non-Event Days				% of Trading Days w/ Significant Returns				% of Event Days			
With Significant Returns		Without Significant Returns		With Significant Returns		Without Significant Returns		With Significant Returns		Without Significant Returns		Event Days		Non-Event Days		With Significant Returns		Without Significant Returns	
Total	[A]	[B]	[C]	Total	[D]	[E]	[F]	Total	[G]	[H]	[I]	Event Days	[J]	Non-Event Days	[K]	With Significant Returns	[L]	Without Significant Returns	[M]

Notes and Sources: In this exhibit, days with "significant returns" refers to days that Dr. [REDACTED] classifies as "significantly positive." In his analysis, Dr. [REDACTED] classifies date t as "significantly positive" if any of its cumulative returns over the 1-, 2-, or 3-day event windows are statistically significant and positive and none of its cumulative returns over those windows are statistically significant and negative. See [REDACTED] Report, ¶ 63. In Models 5-8 and 15-18, Dr. [REDACTED] controls for the return of Ether (ETH), which only has pricing data beginning on August 7, 2015. For these models, Dr. [REDACTED] cannot estimate abnormal returns for earlier trading days and, therefore, he cannot test some of the earlier event days. See [REDACTED] Report, note 46. Dr. [REDACTED] equal-weighted cryptocurrency index in Models 9-10 and 19-20 is an equal-weighted index across the returns of ADA, BNB, BTC, ETH and XLM subject to data availability. See [REDACTED] Report, ¶ 39. In Models 11-20, Dr. [REDACTED] regresses "XRP returns on date t on the control variables measured at t and one lag of XRP returns and the control variables" to "correct for [] autocorrelation[.]" [REDACTED] Report, note 50.

- [A] - [B]: Per Dr. [REDACTED] backup production, see "Model Results.xlsx" at tab 7-1.
- [C] = [A] - [B] (Except for min-max ranges).
- [D] - [E]: Per Dr. [REDACTED] backup production, see "Model Results.xlsx" at tab 7-1.
- [F] = [D] - [E] (Except for min-max ranges).
- [G] = [A] - [D] (Except for min-max ranges).
- [H] = [B] - [E] (Except for min-max ranges).
- [I] = [C] - [F] (Except for min-max ranges).
- [J] = [E] / [B] (Except for min-max ranges).
- [K] = [H] / [B] (Except for min-max ranges).
- [L] = [E] / [D] (Except for min-max ranges).
- [M] = [F] / [D] (Except for min-max ranges).

Exhibit 2
Event Days Analyzed in Dr. [REDACTED] "Select Categories" Test May Be Confounded
by Other Announcements On or Near the Event Day

# of Other Announcements Identified by Dr. [REDACTED] On or Near the Event Days Analyzed in the "Select Categories" Test				
	Minimum	Maximum	Median	Average
[1] Within +/- 10 Days of the Event Day	0	14	4	5
[2] Within +/- 7 Days of the Event Day	0	9	4	4
[3] Within +/- 3 Days of the Event Day	0	8	1	2

Notes and Sources: Dr. [REDACTED] identifies 514 events in total, but focuses his analysis on "news announcements in [] categories related more directly to XRP[.]" See Fischel Report, ¶ 10. In his "Select Categories" test, Dr. [REDACTED] analyzes 105 event days with announcements in any of the following categories: (1) Milestones, (2) Trading Platform Listings, (3) Customer & Product Developments, (4) Ripple Commercialization Initiatives, and (5) Acquisitions & Investments. See Fischel Report, ¶ 19. For each of the 105 event days analyzed in Dr. [REDACTED] "Select Categories" test, we count the number of other announcements on or near the event day that were identified in Dr. [REDACTED] "Select Categories" test (for example, announcements that Dr. [REDACTED] categorized as Market Commentary & Company Overview) and (b) any announcements on the specified days before and after the event day.

APPENDIX A

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November 2021

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PROFESSIONAL EXPERIENCE

Lee and Brena Freeman Professor of Law and Business, University of Chicago Law School (1/84 – 12/2005, chair awarded in 7/89, emeritus as of 1/1/2006); Dean of Law School (1/99 – 2/01); Visiting Professor of Law, University of Chicago Law School (7/82 - 6/83).

Professor of Law and Business, Northwestern University School of Law (1/1/2006 – 5/2011); Professor, Kellogg School of Management (courtesy appointment, 1/1/2006 – 5/2011).

Jack N. Pritzker Distinguished Visiting Professor of Law, Northwestern University School of Law (6/02-6/03).

Professor of Law and Business, University of Chicago Graduate School of Business (7/87 - 6/90).

Director, Law and Economics Program, University of Chicago (1/84 - 6/91).

Assistant Professor of Law, Northwestern University School of Law (6/80 - 6/81); Associate Professor of Law, Northwestern University School of Law (6/81 - 6/82); promoted to full professor in 6/82.

Attorney with Levy and Erens, Chicago, Illinois (7/79 - 6/80).

Law Clerk for Associate Justice Potter Stewart of the United States Supreme Court (1978 - 1979).

Law Clerk for Judge Thomas E. Fairchild, Chief Judge of the Seventh Circuit Court of Appeals (1977 - 1978).

CONSULTING EXPERIENCE

President and Chairman, Compass Lexecon (formerly Lexecon).

AREAS OF SPECIALIZATION

Securities and Financial Markets, Valuation and Financial Analysis, Bankruptcy and Financial Distress Litigation, ERISA Litigation, Class Certification, Damages, Corporate Governance.

PUBLICATIONS

Payback: The Conspiracy to Destroy Michael Milken and His Financial Revolution, Harper Business (1995).

The Economic Structure of Corporate Law, Harvard University Press (1991) (with Frank H. Easterbrook).

ARTICLES

The Use of Trading Models to Estimate Aggregate Damages in Securities Fraud Litigation: An Update. Briefly... Perspectives on Legislation, Regulation, and Litigation, Vol. 10, No. 3 (National Legal Center for the Public Interest, 2006) (with David J. Ross and Michael A. Keable).

The Hewlett-Packard Merger: A Case Study, in The New Investor Relations, Expert Perspectives on The State Of The Art (Bloomberg Press Princeton, 2004) (with Kenneth R. Cone, Gregory J. Pelnar and David J. Ross).

Market Evidence in Corporate Law, 69 U. Chi. L. Rev. 941 (2002).

Multidisciplinary Practice, The Business Lawyer, Vol. 55, (May 2000).

Government Liability for Breach of Contract, American L. & Econ. Rev. V1 N1/2 313 (1999) (with Alan Sykes).

Lawyers and Confidentiality, 65 U. Chi. L. Rev. 1 (1998).

The Law and Economics of Vanishing Premium Life Insurance, 22 Del. J. Corp. Law 1 (1997) (with Robert S. Stillman).

Clustering and Competition in Asset Markets, 20 J. Law & Econ. 23 (1997) (with Sanford J. Grossman, Merton H. Miller, Kenneth R. Cone and David J. Ross).

Corporate Crime, 25 J. Legal Studies 319 (1996) (with Alan O. Sykes).

The Use of Trading Models to Estimate Aggregate Damages in Securities Fraud Litigation: A Proposal for Change, in Securities Class Actions: Abuses and Remedies (The National Legal Center for the Public Interest, 1994) (with David J. Ross).

Civil Rico After Reves: An Economic Commentary, 1993 Sup. Ct. Rev. 157 (with Alan O. Sykes).

Contract and Fiduciary Duty, 36 J. Law & Econ. 425 (1993) (with Frank H. Easterbrook).

Should the Law Prohibit "Manipulation" in Financial Markets?, 105 Harv. L. Rev. 503 (1991) (with David J. Ross).

Efficient Capital Markets, the Crash, and the Fraud on the Market Theory, 74 Cornell L. Rev. 907 (1989).

The Corporate Contract, 89 Colum. L. Rev. 1416 (1989) (with Frank H. Easterbrook); also published in Corporate Law and Economic Analysis (Cambridge University Press 1990) (Lucian Bebchuk ed.).

The Economics of Lender Liability, 99 Yale L. J. 131 (1989).

Should One Agency Regulate Financial Markets, in Black Monday and the Future of Financial Markets (R. Kormendi, R. Kamphuis & J. W. H. Watson, ed.) (Dow Jones-Irwin Inc., 1988).

ERISA's Fundamental Contradiction: The Exclusive Benefit Rule, 55 U. Chi. L. Rev. 1105 (1988) (with John H. Langbein).

From MITE to CTS: Takeovers, the Williams Act and the Commerce Clause, 1987 Sup. Ct. Rev. 47.

The Regulation of Banks and Bank Holding Companies, 73 Va. L. Rev. 301 (1987) (with Andrew M. Rosenfield and Robert S. Stillman).

The Regulation of Accounting: Some Economic Issues, 52 Brooklyn L. Rev. 1051 (1987).

Organized Exchanges and the Regulation of Dual Class Common Stock, 54 U. Chi. L. Rev. 119 (1987).

Comparable Worth and Discrimination in Labor Markets, 53 U. Chi. L. Rev. 891 (1986) (with Edward P. Lazear).

Comparable Worth: A Rejoinder, 53 U. Chi. L. Rev. 950 (1986) (with Edward P. Lazear).

Close Corporations and Agency Costs, 38 Stan. L. Rev. 271 (1986) (with Frank H. Easterbrook).

The Role of Liability Rules and the Derivative Suit in Corporate Law: A Theoretical and Empirical Analysis, 71 Corn. L. Rev. 261 (1986) (with Michael Bradley).

Regulatory Conflict and Entry Regulation of New Futures Contracts, 59 J. Bus. S85 (1985).

Optimal Damages in Securities Cases, 52 U. Chi. L. Rev. 611 (1985) (with Frank H. Easterbrook). The Business Judgment Rule and the Trans Union Case, 40 Bus. Law. 1437 (1985).

Insider Trading and Investment Analysts: An Economic Analysis of Dirks v. SEC, 13 Hofstra L. Rev. 127 (1984).

Limited Liability and the Corporation, 52 U. Chi. L. Rev. 89 (1985) (with Frank H. Easterbrook).

Labor Markets and Labor Law Compared with Capital Markets and Corporate Law, 51 U. Chi. L. Rev. 1061 (1984).

Customer Protection in Futures and Securities Markets, 4 J. Futures Markets 273 (1984) (with Sanford J. Grossman).

Mandatory Disclosure and the Protection of Investors, 70 Va. L. Rev. 669 (1984) (with Frank H. Easterbrook).

The Appraisal Remedy In Corporate Law, 1983 Am. Bar Found. Res. J. 875.

The Regulation of Insider Trading, 35 Stan. L. Rev. 857 (1983) (with Dennis W. Carlton).

Voting in Corporate Law, 26 J. Law & Econ. 395 (1983) (with Frank H. Easterbrook).

Auctions and Sunk Costs in Tender Offers, 35 Stan. L. Rev. 1 (1982) (with Frank H. Easterbrook).

The Corporate Governance Movement, 35 Vand. L. Rev. 1259 (1982).

Use of Modern Finance Theory in Securities Fraud Cases Involving Actively Traded Securities, 38 Bus. Law 1 (1982).

Antitrust Suits By Targets of Tender Offers, 80 Mich. L. Rev. 1155 (May 1982) (with Frank H. Easterbrook).

Corporate Control Transactions, 91 Yale L. J. 698 (1982) (with Frank H. Easterbrook).

The "Race to the Bottom" Revisited: Reflections on Recent Developments in Delaware Corporation Law, 76 Nw. Univ. L. Rev. 913 (1982).

Takeover Bids, Defensive Tactics and Shareholders' Welfare, 36 Bus. Law 1733 (1981) (with Frank H. Easterbrook).

The Law and Economics of Dividend Policy, 67 Va. L. Rev. 699 (1981).

The Proper Role of a Target's Management in Responding to a Tender Offer, 94 Harv. L. Rev. 1161 (1981) (with Frank H. Easterbrook) (awarded prize by Emory University for best paper written in law and economics for the year 1981).

Secondary Liability Under Section 10(b) of the Securities Act of 1934, 69 California L. Rev. 80 (1981).

Efficient Capital Market Theory, the Market for Corporation Control, and the Regulation of Cash Tender Offers, 57 Tex. L. Rev. 1 (1978); reprinted in K. Scott and R. Posner ed., Economic Perspectives on Corporation Law and Securities Regulation (Little Brown 1980).

Antitrust Liability for Attempts to Influence Government Action: The Basis and Limits of the Noerr-Pennington Doctrine, 45 U. Chi. L. Rev. 80 (1977).

Comment, The Demand and Standing Requirements in Stockholder Derivation Actions, 44 U. Chi. L. Rev. 168 (1977).

Comment, The Use of Government Judgments in Private Antitrust Litigation: Clayton Act Section 5(a), Collateral Estoppel, and Jury Trial, 43 U. Chi. L. Rev. 338 (1976).

EDUCATION

University of Chicago Law School, Chicago, Illinois; J.D. 1977, cum laude; Order of the Coif; Comment Editor, Vol. 44, University of Chicago Law Review; Approximately top 1% of the Class. Awarded Casper Platt Award for best paper written by a student of the University of Chicago Law School; awarded Jerome N. Frank Prize for excellence in legal writing while a member of the University of Chicago Law Review, 1975 - 1977. Studied law and economics with Richard Posner and other members of the faculty.

Brown University, Providence, Rhode Island; M.A. 1974 in American History.

Cornell University, Ithaca, New York; major-American History; minor-Economics; B.A. 1972

TESTIMONY

Deposition of Daniel R. Fischel In Re: Straight Path Communications Inc. Consolidated Stockholder Litigation, In the Court of Chancery of the State of Delaware, C.A. No. 2017-0486-SG, (October 21, 2021).

Deposition of Daniel R. Fischel In Re: Abu Dhabi Investment Authority vs. Mylan N.V. and Mylan Inc., In the United States District Court, Southern District of New York, Civil Action No. 1:20-cv-01342-JPO, (August 18, 2021).

Deposition of Daniel R. Fischel In Re: Mylan N.V. Securities Litigation, In the United States District Court, Southern District of New York, Case No. 1:16-CV-07926 (JPO), (August 17, 2021).

Deposition of Daniel R. Fischel In Re: Hawaii Structural Ironworkers Pension Trust Fund, Individually and on Behalf of All Others Similarly Situated vs. AMC Entertainment Holdings, Inc., et al., In the United States District Court, Southern District of New York, Case No. 1:18-cv-00299-AJN-SLC, (August 12, 2021).

Deposition of Daniel R. Fischel In Re: Siunde Ap-Fonden, et al, vs. General Electric, et al., In the United States District Court, Southern District of New York, Index No. 17-cv-08457 (JMF), (August 9, 2021).

Testimony of Daniel R. Fischel In Re: United States of America vs. Edward Bases and John Pacilio, In the United States District Court, Northern District of Illinois, Eastern Division, Docket No. 18 CR 48, (July 29, 2021).

Testimony of Daniel R. Fischel In Re: Ahmed D. Hussein vs. Sheldon Razin, Steven Plochocki, Quality Systems, Inc., And Does 1-10, Inclusive, In the Superior Court of California, County of Orange, NO. 30-2013-00679600, CU-NP-CJC (July 27, 2021).

Testimony of Daniel R. Fischel In Re: Tesla Motors, Inc. Stockholders Litigation, In the Court of Chancery of the State of Delaware, Consolidated Civil Action No. 12711-VCS (July 23, 2021).

Testimony of Daniel R. Fischel In Re: Huntsman International, LLC vs. Albemarle Corporation, Rockwood Specialties Group, Inc., and Rockwood Holdings, Inc., American Arbitration Association, AAA Case No. 01-17-001-4588 (May 10, 2021).

Testimony of Daniel R. Fischel In Re: Resolution Life L.P. and Resolution Life (Parallel) Partnership vs. GBIG Holdings, Inc. f/k/a Southland National Holdings, Inc.; SNH Acquisition, LLC and Greg Lindberg, In the Supreme Court of the State of New York, Civil Division, Index Nos. 650575/19, 653258/19, (April 19, 2021).

Deposition of Daniel R. Fischel In Re: Matthew Sciabacucchi and Hialeah Employees' Retirement System vs. John Malone, et al., and Charter Communications, Inc., In the Court of Chancery for the State of Delaware, C.A. No. 11418-VCG, (April 16, 2021).

Deposition of Daniel R. Fischel In Re: Jeld-Wen Holdings, Inc. Securities Litigation, In the United States District Court for The Eastern District of Virginia, Richmond Division, Civil Action No. 3:20-cv-00112-JAG, (February 26, 2021).

Testimony of Daniel R. Fischel In Re: The Pacific Gas and Electric Company Administration of Stress Test Methodology Developed Pursuant to Public Utilities Code Section 451.2(b) and (2) Determination That \$7.5 Billion of 2017 Catastrophic Wildfire Costs and Expenses Are Stress Test Costs That May Be Financed Through Issuance of Recovery Bonds Pursuant to Section 451.2(c) and Section 850 et Seq.(U39E), Before the Public Utilities Commission of the State of California, Application No. 20-04-023, (December 15, 2020).

Deposition of Daniel R. Fischel In Re: Resolution Life L.P. and Resolution Life (Parallel) Partnership vs. GBIG Holdings, Inc. f/k/a Southland National Holdings, Inc.; SNH Acquisition, LLC and Greg Lindberg, In the Supreme Court of the State of New York, Index No. 650575/2019, (November 24, 2020).

Deposition of Daniel R. Fischel In Re: SH 130 Concession Company, LLC, Zachry Toll Road – 56 LP Cintra Texas 56 LLC et al. vs. Central Texas Highway Constructors, LLC, et al., In the United States Bankruptcy Court, Western District of Texas, Austin Division, Case No. 16-10262-TMD, Adversary No. 18-01030, (November 5, 2020).

Deposition of Daniel R. Fischel In Re: Ahmed D. Hussein versus Sheldon Razin, Steven Plochocki, Quality Systems, Inc., et al., In the Superior Court of the State of California, County of Orange, Case No. 302013-00679600 CUNPCJC, (October 22, 2020).

Deposition of Daniel R. Fischel In Re: Deutsche Bank National Trust Company, Solely in its Capacity as Trustee of the Harborview Mortgage Loan Trust Mortgage Loan Pass-Through Certificates, Series 2006-9, In the Supreme Court of the State of New York County of New York, Index No. 654208/2018 (September 25, 2020).

Testimony of Daniel R. Fischel In Re: Fairstone Financial Holdings Inc., J.C. Flowers IV L.P. and VP Canada Acquisition, L.P. vs. Duo Bank of Canada, Court File No. CV-20-00641857-00CL and Duo Bank of Canada vs. Fairstone Financial Holdings Inc., J.C. Flowers IV L.P. and VP Canada Acquisition, L.P., Court File No. CV-20-00643629-00CL, In the Ontario Superior Court of Justice, (September 11, 2020).

Testimony of Daniel R. Fischel In Re: AB Stable VIII LLC vs. Maps Hotels and Resorts One LLC, et al., In the Court of Chancery of the State of Delaware, C. A. No. 2020-0310-JTL (August 28, 2020).

Deposition of Daniel R. Fischel In Re: AB Stable VIII LLC vs. Maps Hotels and Resorts One LLC, et al., In the Court of Chancery of the State of Delaware, Case No. 2020-0130-JTL (August 14, 2020).

Deposition of Daniel R. Fischel In Re: Willis Towers Watson PLC Proxy Litigation, In the United States District Court for the Eastern District of Virginia, Alexandria Division, Master File No. 1:17-cv-1338-AJT-JFA (August 12, 2020).

Deposition of Daniel R. Fischel In Re: Forescout Technologies, Inc. et al. vs. Ferrari Group Holdings, LP, and Ferrari Merger Sub, Inc., et al., In the Court of Chancery of the State of Delaware, Civil Action No. 2020-0385-SG (July 13, 2020).

Deposition of Daniel R. Fischel In Re: Brigade Leveraged Capital Structures Fund Ltd. et al. vs. Kindred Healthcare, Inc., et al., In the Circuit Court of Chancery of the State of Delaware, Case No. 2018 0165 (February 5, 2020).

Testimony of Daniel R. Fischel In Re: Gannaway Entertainment, Inc. et al vs. Frankly Inc. et al., In the United States District Court, Northern District of California, San Francisco Division, Case No. 3:17-cv-04169-RS (December 17, 2019).

Deposition of Daniel R. Fischel In Re: The Official Committee of Unsecured Creditors of Allied Systems Holdings, Inc. and its affiliated debtors et al. v. Yucaipa, et al., In the U.S. Bankruptcy Court for the District of Delaware, Bankr., D. Del., Proc. Nos. 13-50530-KBO, 14-50971-KBO (December 16, 2019).

Testimony of Daniel R. Fischel In Re: Nord Anglia Education, Inc., In the Grand Court of The Cayman Islands, Financial Services Division, Cause No. FSD 235 of 2017 (IKJ). (December 6, 9, 10 and 11, 2019).

Deposition of Daniel R. Fischel In Re: Lindie L. Banks and Erica LeBlanc, individually and on behalf of all others similarly situated vs. Northern Trust Corporation and Northern Trust Company, In the United States District Court, Central District of California, Case No. 2: 16-cv-09141-JFK (JCx) (November 22, 2019).

Deposition of Daniel R. Fischel In Re: Tesla Motors, Inc. Stockholder Litigation, In the Court of Chancery of the State of Delaware, C.A. No. 12711-VCS (November 19, 2019).

Deposition of Daniel R. Fischel In Re: Melina N. Jacobs, On Behalf of Herself and All Others Similarly Situated vs. Verizon Communications, Inc., et al., In the United States District Court for the Southern District of New York, Civil Action No. 1:16-cv-01082 (August 28, 2019).

Deposition of Daniel R. Fischel In Re: American Realty Capital Properties, Inc. Litigation, In the United States District Court, Southern District of New York, Civil Action No. 1:15-mc-00040-AKH Class Action (July 25, 2019).

Deposition of Daniel R. Fischel In Rajesh M. Shah, et al vs. Zimmer Biomet Holdings, Inc., et al., In the United States District Court, Northern District of Indiana, South Bend Division, Case No. 3:16-cv-815-PPS-MGG (May 17, 2019).

Testimony of Daniel R. Fischel In Colonial Chevrolet Co., Inc., et al., Alley's of Kingsport, Inc., et al., and Union Dodge, Inc., et al. vs. The United States (Nos. 10-647C, 11-100C, and 12-900L – Consolidated), In the United States Court of Federal Claims (May 8, 2019).

Testimony of Daniel R. Fischel In Anthem, Inc. vs. Cigna Corporation, In the Court of Chancery of the State of Delaware, C.A. No. 2017-0114-JTL (March 8, 2019).

Deposition of Daniel R. Fischel In Re: Nine West holdings, Inc., et al., Debtors, United States Bankruptcy Court, Southern District of New York, Chapter 11 Case No. 18-10947 (SCC) (January 16, 2019).

Deposition of Daniel R. Fischel In Re: Sandisk LLC Securities Litigation, United States District Court, Northern District of California, San Francisco Division, Case No. 3:15-cv-01455-VC (November 16, 2018).

Deposition of Daniel R. Fischel In Re: Colonial Chevrolet Co., Inc., Alley's of Kingsport, Inc. and Union Dodge, Inc., et al vs. The United States, In the United States Court of Federal Claims, Nos. 10-647C, 11-100C and 12-900L (Consolidated) (November 15, 2018).

Testimony of Daniel R. Fischel In Re: United States of America, et al., vs. J-M Manufacturing Co., Inc., United States District Court, Central District of California – Western Division, No. CV 6-55 GW (November 5, 2018).

Deposition of Daniel R. Fischel In Re: Appraisal of Air Methods Corp., In the Court of Chancery of the State of Delaware, C.A. No.: 2017-0317-JRS (September 27 and 28, 2018).

Testimony of Daniel R. Fischel In Re: Akorn, Inc., v. Fresenius Kabi, AG, et al., In the Court of Chancery of the State of Delaware, C.A. No. 2018-0300-JTL (July 13, 2018).

Deposition of Daniel R. Fischel In Re: Starz Stockholder Litigation, In the Court of Chancery of the State of Delaware, Consolidated C.A. No. 12584-VCG (July 12, 2018).

Deposition of Daniel R. Fischel In Re: Akorn, Inc. vs. Fresenius Kabi AG, Quercus Acquisition, Inc. and Fresenius SE & Co. KGaA, In the Court of Chancery of the State of Delaware, Index No. 2018-0300 (June 30, 2018).

Deposition of Daniel R. Fischel In Re: Physiotherapy Holdings, Inc., et al., Debtors; PAH Litigation Trust v. Water Street Healthcare Partners, L.P., et al., In the United States Bankruptcy Court for the District of Delaware, Case No. 13-12965 (KG) (Jointly Administered) (June 5, 2018).

Deposition of Daniel R. Fischel In Re: Facebook, Inc. Class C Reclassification Litigation, In the Court of Chancery of the State of Delaware, Consolidated C.A. No. 12286-VCL (May 18, 2018).

Testimony of Daniel R. Fischel In Re: Dr. Alan Sacerdote, et al. vs. New York University, In the United States District Court for the Southern District of New York, Civil Action No. 1:16-cv-6284-KBF (April 24, 25 and 26).

Deposition of Daniel R. Fischel In Re: Daniel Turocy, et al. vs. El Pollo Loco Holdings, Inc., et al., In the United States District Court, Central District of California, Southern Division, Case No. 8:15-cv-01343-DOC-KES (April 12, 2018).

Deposition of Daniel R. Fischel In Re: United States of America v. AT&T Inc., Directv Group Holdings, LLC, and Time Warner Inc., In the United States District Court for the District of Columbia, Case No. 1:17-cv-02511-RJL (March 9, 2018).

Deposition of Daniel R. Fischel In Re: Dr. Alan Sacerdote, et al. vs. New York University, In the United States District Court for the Southern District of New York, Civil Action No. 1:16-cv-6284-KBF (March 1, 2018).

Testimony of Daniel R. Fischel In Re: Lehman Brothers Holdings Inc., et al., In the United States Bankruptcy Court, Southern District of New York, Chapter 11, Case No. 08-13555 (SCC) (December 4, 2017).

Deposition of Daniel R. Fischel In Re: Lehman Brothers Holdings Inc., et al., In the United States Bankruptcy Court, Southern District of New York, Chapter 11, Case No. 08-13555 (SCC) (October 17, 2017).

Testimony of Daniel R. Fischel In Re: Genon Energy, Inc., et al, Debtors, In the United States Bankruptcy Court for the Southern District of Texas Houston Division, Chapter 11, Case No. 17-33695 (DRJ) (October 6, 2017).

Deposition of Daniel R. Fischel In Re: Genon Energy, Inc., et al, Debtors, In the United States Bankruptcy Court for the Southern District of Texas Houston Division, Chapter 11, Case No. 17-33695 (DRJ) (August 25, 2017).

Deposition of Daniel R. Fischel In Re: United States ex re. Hendrix et al., vs. JM Manufacturing Company, Inc., et al., In the United States District Court, Central District of California, Case No. ED CV 06-00055-GW (July 20, 2017).

Testimony of Daniel R. Fischel In Re: Saguaro Power Co. v. Pioneer Americas LLC d/b/a Olin Chlor Alkali Products, In AAA Case No. 01-16-0005-1073 (June 30, 2017).

Testimony of Daniel R. Fischel In Re: Syngenta AG MIR 162 Corn Litigation, In the United States District Court for the District of Kansas, Master File No. 2:14-MD-02591-JWL-JPO (June 19, 2017).

Testimony of Daniel R. Fischel In Re: Motors Liquidation Company, f/k/a General Motors Corporation, et al., Debtors, United States Bankruptcy Court, Southern District of New York, Chapter 11, Case No.:09-50026 (MG) and Motors Liquidation Company Avoidance Action Trust, et al vs. JPMorgan Chase Bank, N.A., et al., United States Bankruptcy Court, Southern District of New York, Case No.: 09-00504 (MG) (May 2 and 3, 2017).

Deposition of Daniel R. Fischel In Re: Alere-Abbott Merger Litigation, In the Court of Chancery of the State of Delaware, Consolidated C.A. No. 12963-VCG (April 4, 2017).

Testimony of Daniel R. Fischel In Re: Appraisal of AOL Inc., In the Court of Chancery of the State of Delaware, Consol C.A. No. 11204-VCG (March 20, 2017).

Deposition of Daniel R. Fischel In Re: City of Daytona Beach Policy and Fire Pension Fund, et al vs. Examworks Group, Inc., et al., In the Court of Chancery of the State of Delaware, C.A. No. 12481-VCL (February 22, 2017).

Deposition of Daniel R. Fischel In Re: Appraisal of AOL Inc., In the Court of Chancery of the State of Delaware, Consol C.A. No. 11204-VCG (February 14 and 15, 2017).

Deposition of Daniel R. Fischel In Re: Motors Liquidation Company, f/k/a General Motors Corporation, et al., Debtors, United States Bankruptcy Court, Southern District of New York, Chapter 11, Case No.:09-50026 (MG) and Motors Liquidation Company Avoidance Action Trust, et al vs. JPMorgan Chase Bank, N.A., et al., United States Bankruptcy Court, Southern District of New York, Case No.: 09-00504 (MG) (January 31, 2017).

Deposition of Daniel R. Fischel In Re: Syngenta Litigation, In the State of Minnesota District Court, County of Hennepin Fourth Judicial District, Court File No. 27-CV-15-3785 and In Re: Syngenta AG MIR 162 Corn Litigation, In the United States District Court for the District of Kansas, Case No. 2:14-md-2591-JWL-JPO (January 20, 2017).

Testimony of Daniel R. Fischel In the Matter of Motiva Enterprises LLC vs. Bechtel Corporation, Jacobs Engineering Group, Inc. and Bechtel-Jacobs CEP Port Arthur Joint Venture, International Institute for Conflict Prevention and Resolution (October 20, 2016).

Deposition of Daniel R. Fischel in Beaver County Employees Retirement Fund, et al., vs. Cyan, Inc., et al., Superior Court of the State of California, County of San Francisco, Lead Case No. CGC-14-538355 (Consolidated with No. CGC-14-539008) (October 11, 2016).

Testimony of Daniel R. Fischel In Re: Paragon Offshore PLC, et al, Debtors, In the United States Bankruptcy Court, District of Delaware, Case No. 16-10386 (September 23, 2016).

Deposition of Daniel R. Fischel In the Matter of Motiva Enterprises LLC vs. Bechtel Corporation, Jacobs Engineering Group, Inc. and Bechtel-Jacobs CEP Port Arthur Joint Venture, International Institute for Conflict Prevention and Resolution (August 25, 2016)

Deposition of Daniel R. Fischel In Re: Syngenta AG MIR162 Corn Litigation, In the United States District Court for the District of Kansas; Case No. 2:14-MD-02591-JWL-JPO and In Re: Syngenta Litigation, In the State of Minnesota District Court, County of Hennepin, Fourth Judicial District, Case No. 27-CV-15-385 (August 11, 2016).

Deposition of Daniel R. Fischel in The Western and Southern Life Insurance Company vs. The Bank of New York Mellon, Court of Common Pleas, Hamilton County, Ohio, Case No. A 1302490 (July 27, 2016).

Testimony of Daniel R. Fischel in Herbalife, Ltd., vs. KPMG LLP, Non-Administered Arbitration of the International Institute for Conflict Prevention and Resolution, CPR Case No. 1100076998 (May 19, 2016).

Testimony of Daniel R. Fischel in iHeart Communications, Inc., f/k/a Clear Channel Communications, Inc. vs. Benefit Street Partners, et al., In the District Court of Bexar County, Texas, Cause No. 2016 CI 04006 (May 17, 2016).

Deposition of Daniel R. Fischel in iHeart Communications, Inc., f/k/a Clear Channel Communications, Inc. vs. Benefit Street Partners, et al., In the District Court of Bexar County, Texas, Cause No. 2016 CI 04006 (May 12, 2016).

Testimony of Daniel R. Fischel in U.S. Commodity Futures Trading Commission v. Igor B. Oystacher and 3 Red Trading, LLC, In the United States District Court for the Northern District of Illinois, Eastern Division, Docket No. 15 C 9196 (May 6, 2016).

Testimony of Daniel R. Fischel in Merion Capital LP and Merion Capital II, LP vs. Lender Processing Services, Inc., In the Court of Chancery of the State of Delaware, C.A. No. 9320-VCL (May 4 and 5, 2016).

Testimony of Daniel R. Fischel in iHeart Communications, Inc., f/k/a Clear Channel Communications, Inc. v. Benefit Street Partners LLC, et al., In the District Court of Bexar County, Texas, 285th Judicial District, Cause No. 2016-CI 04006 (April 5, 2016).

Deposition of Daniel R. Fischel in iHeart Communications, Inc., f/k/a Clear Channel Communications, Inc. v. Benefit Street Partners LLC, et al., In the District Court of Bexar County, Texas, 285th Judicial District, Cause No. 2016-CI 04006 (April 2, 2016).

Deposition of Daniel R. Fischel in Herbalife Ltd. vs. KPMG LLP, Non-Administered Arbitration of the International Institute for Conflict Prevention and Resolution, CPR Case No.1100076998 (March 31, 2016).

Deposition of Daniel R. Fischel in U.S. Commodity Futures Trading Commission v. Igor B. Oystacher and 3 Red Trading, LLC, In the United States District Court, Northern District of Illinois, Eastern Division, No. 15-cv-09196 (March 25, 2016).

Deposition of Daniel R. Fischel in Merion Capital LP and Merion Capital II, LP vs. Lender Processing Services, Inc., In the Court of Chancery of the State of Delaware, C.A. No. 9320-VCL (March 15, 2016).

Deposition of Daniel R. Fischel in Lawrence E. Jaffe Pension Plan, On Behalf of Itself and All Others Similarly Situated v. Household International, Inc., et al., In the United States District Court, Northern District of Illinois Eastern Division, Lead Case No. 02-C-5893 (February 24, 2016).

Deposition of Daniel R. Fischel in Robert E. Morley, Jr. and REM Holdings 3, LLC vs. Square, Inc., Jack Dorsey, and James McKelvey, Jr., United States District Court for the Eastern District of Missouri, Eastern Division, Civil Action No. 14-CV-00172-SNLJ (February 19, 2016).

Testimony of Daniel R. Fischel In the Matter of the Application of U.S. Bank National Association, The Bank of New York Mellon, et al., Supreme Court of the State of New York, County of New York, Index No. 652382/2014 (January 20 and 21, 2016).

Testimony of Daniel R. Fischel in Sangeeth Peruri v. Ameriprise Financial, Inc., et al, American Arbitration Association Case No. 01-15-0002-3991 (December 7, 2015).

Deposition of Daniel R. Fischel In the Matter of the Application of U.S. Bank National Association, The Bank of New York Mellon, The Bank of New York Mellon Trust Company, N.A., et al, In the Supreme Court of the State of New York, County of New York, Index No. 652382/2014 (December 3, 2015).

Testimony of Daniel R. Fischel in Securities and Exchange Commission v. Arkadiy Dubovoy, et al, In the United States District Court for the District of New Jersey, Civil Case No. 15-cv- 6076-MCA (October 8, 2015).

Deposition of Daniel R. Fischel in Steven A. Stender, Harold Silver and Infinity Clark Street Operating, L.L.C., on behalf of themselves and all others similarly situated v. Archstone- Smith Operating Trust, et al., in the United States District Court for the District of Colorado, Case No. 07-CV-02503-WJM-MJW (July 24, 2015).

Testimony of Daniel R. Fischel In Re: Determination of Royalty Rates and Terms for Ephemeral Recording and Digital Performance of Sound Recordings (Web IV), in the United States Copyright Royalty Judges, The Library of Congress, Docket No. 14-CRB-0001-WR (2016-2020) (May 21 and 22, 2015).

Deposition of Daniel R. Fischel In Re: Determination of Royalty Rates and Terms for Ephemeral Recording and Digital Performance of Sound Recordings (Web IV), in the United States Copyright Royalty Judges, The Library of Congress, Docket No. 14-CRB-0001-WR (2016-2020) (April 1, 2015).

Deposition of Daniel R. Fischel in MacDermid, Incorporated vs. Cookson Group, PLC, Cookson Electronics and Enthone, Inc., in the Superior Court, Judicial District of Waterbury, Docket No. UWY-CV-12-6016356-S (January 21, 2015)

Testimony of Daniel R. Fischel in the Securities and Exchange Commission vs. Samuel E. Wyly and Donald R. Miller, Jr., in his capacity as the Independent Executor of the Will and Estate of Charles J. Wyly, Jr., in the United States District Court, Southern District of New York, 10 Civ. 5760 (SAS) (November 17, 2014).

Deposition of Daniel R. Fischel In Re: Activision Blizzard, Inc. Stockholder Litigation, In the Court of Chancery of the State of Delaware, Consolidated C.A. No. 8885-VCL (October 17, 2014).

Testimony of Daniel R. Fischel in Hugh M. Caperton, Harman Development Corporation, Harman Mining Corporation, and Sovereign Coal Sales, Inc. v. A.T. Massey Coal Company, Inc., In the Circuit Court for Buchanan County, Case No. 027CL10000771-00 (May 20 and 21, 2014).

Deposition of Daniel R. Fischel in Center Partners, Ltd., et al v. Urban Shopping Centers, L.P., et al., In the Circuit Court of Cook County, Illinois, County Department, Law Division, Case No. 04 L 012194 (April 24, 2014).

Deposition of Daniel R. Fischel in Third Point LLC v. William F. Ruprecht, et al and Sotheby's, In the Court of Chancery of the State of Delaware, C.A. No. 9469-VCP (April 19, 2014).

Deposition of Daniel R. Fischel in Hugh M. Caperton, Harman Development Corporation, Harman Mining Corporation, and Sovereign Coal Sales, Inc. v. A.T. Massey Coal Company, Inc., In the Circuit Court for Buchanan County, Case No. 027CL10000771-00 (March 14, 2014).

Deposition of Daniel R. Fischel in Corre Opportunities Fund, LP, Zazove Associates LLC, DJD Group LLLP, First Derivative Traders LP, and Kevan A. Fight vs. Emmis Communications Corporation, United States District Court, Southern District of Indiana, Indianapolis Division, Case No. 1:12-cv-0491-SEB-TAB (October 4, 2013).

Testimony of Daniel R. Fischel In the Matter of the Application of The Bank of New York Mellon, (As Trustee Under Various Pooling and Servicing Agreements and Indenture Trustee under various indentures), Petitioner, for an order, pursuant to CPLR §7701, seeking judicial instructions and approval of a proposed settlement, Index No. 651786/11, Supreme Court of the State of New York, County of New York: Trial Term Part 39 (September 9 and 10, 2013).

Testimony of Daniel R. Fischel In Re: September 11 Litigation, Case No. 21 MC 97 (AKH), United States District Court for the Southern District of New York, (July 16, 2013).

Deposition of Daniel R. Fischel in Cantor Fitzgerald & Co., et al v. American Airlines, Inc., et al, Case No. 21 MC 101 (AKH), 04 CV 7318 (AKH), United States District Court, Southern District of New York (July 1, 2013).

Deposition of Daniel R. Fischel In Re: Pfizer Inc. Securities Litigation, Case No. 04 Civ. 9866 (RO) in The United States District Court for the Southern District of New York (June 28, 2013).

Testimony of Daniel R. Fischel in William T. Esrey, Julie C. Esrey, Ronald T. LeMay and Casondra C. Lemay v. Ernst & Young LLP Arbitration, Case No. 13 107 Y 02332 11 (May 29, 2013).

Deposition of Daniel R. Fischel in Christine Bauer-Ramazani and Carolyn B. Duffy, on behalf of themselves and all other similarly situated v. Teachers Insurance and Annuity Association of America – College Retirement and Equities Fund (TIAA-CREF), et al, in the United States District Court, District of Vermont, Docket No. 1:09-cv-190 (May 21, 2013).

Deposition of Daniel R. Fischel In Re: Google Inc. Class C Shareholder Litigation, In the Court of Chancery of the State of Delaware, Case No. 7469CS (May 17, 2013).

Deposition of Daniel R. Fischel In the Matter of the application of The Bank of New York Mellon (as Trustee under various Pooling and Servicing Agreements and Indenture Trustee under various Indentures), et al., Supreme Court of the State of New York, County of New York, Index No. 651786/2011 (May 9, 2013).

Deposition of Daniel R. Fischel in William T. Esrey, Julie C. Esrey, Ronald T. Lemay, and Casondra C. Lemay v. Ernst & Young, L.L.P., Before the American Arbitration Association, Case No. 1234 (May 7, 2013)

Deposition of Daniel R. Fischel in Archer Well Company, Inc. v. GW Holdings LLC and Wexford Capital LP, in the United States District Court, Southern District of New York, ECF Case No. 1 1:12-cv-06762-JSR (April 5, 2013).

Testimony of Daniel R. Fischel in Meso Scale Diagnostics, LLC, Meso Scale Technologies, LLC v. Roche Diagnostics GmbH, et al., In the Court of Chancery of the State of Delaware, Civil Action No. 5589-VCP (February 27, 2013).

Deposition of Daniel R. Fischel in Center Partners, Ltd. et al v. Urban Shopping Centers, L.P., et al, Circuit Court of Cook County, Illinois, No. 04 L 012194 (February 6 and 7, 2013).

Deposition of Daniel R. Fischel In Re: September 11 Litigation, United States District Court, Southern District of New York, Civil Action No. 21 MC 101 (AKH) (January 11, 2013).

Deposition of Daniel R. Fischel in Meso Scale Diagnostics, LLC, Meso Scale Technologies, LLC v. Roche Diagnostics GmbH, et al., In the Court of Chancery of the State of Delaware, Case No: 5589-VCP (November 12, 2012).

Testimony of Daniel R. Fischel in Stuart Bederman, et al. v. Archstone, f/k/a Archstone-Smith Operating Trust, Arbitration before the Honorable Bruce W. Kauffman (October 17, 2012).

Deposition of Daniel R. Fischel in David E. Brown, et al. v. Authentec, Inc. et al., In the Circuit Court of the Eighteenth Judicial Circuit in and for Brevard County, Florida, Civil Division, Case No. 05-2012-CA-57589 (September 18, 2012).

Deposition of Daniel R. Fischel in Stuart Bederman, et al. v. Archstone, f/k/a Archstone-Smith Operating Trust, Arbitration before the Honorable Bruce W. Kauffman (September 14, 2012).

Testimony of Daniel R. Fischel in Tronox, Incorporated, et al., v. Kerr-McGee Corporation, et al., United States Bankruptcy Court, Southern District of New York, Adversary Proceeding No. 09-10098(ALG) (August 7, 8 and 9, 2012).

Deposition of Daniel R. Fischel in re McAfee, Inc. Shareholder Litigation, Superior Court of the State of California, County of Santa Clara, Lead Case No. 1:10-cv-180413 (August 2, 2012).

Testimony of Daniel R. Fischel in Kraft Foods Global, Inc., v. Starbucks Corporation, Arbitration Before JAMS, Arbitration No. 1340008345 (July 31, 2012).

Deposition of Daniel R. Fischel in Altana Pharma AG, and Wyeth v. Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries, Ltd., In the United States District Court, District of New Jersey, Consolidated Civil Action Nos. 04-2355 (JLL)(CCC), 05-1966 (JLL)(CCC), 05-3920 (JLL)(CCC) and 05-3672 (JLL)(CCC) (June 1, 2012).

Deposition of Daniel R. Fischel in Kraft Foods Global, Inc. v. Starbucks Corporation, Arbitration before JAMS, Arbitration No. 1340008345 (May 15, 2012).

Deposition of Daniel R. Fischel in Capital One Financial Corporation v. John A. Kanas and John Bohlsen, In the United States District Court for the Eastern District of Virginia, Alexandria Division, Civil Action No. 1:11-cv-750 (LO/TRJ) (May 10, 2012).

Deposition of Daniel R. Fischel in In Re: Pfizer Inc. Securities Litigation, In the United States District Court, Southern District of New York, Case 1:04-cv-09866-LTS-HBP (May 3, 2012).

Deposition of Daniel R. Fischel in Willie R. Pittman, Susan B. Seales and Stephen T. Selzer vs. J. Coley Clark, Moneygram International, Inc., et al., In the Court of Chancery of the State of Delaware, C.A. No. 6387-VCL (April 26, 2012).

Deposition of Daniel R. Fischel in Chona Allison, et al v. CRC Insurance Services, Inc., In the United States District Court for the Northern District of Illinois, Eastern Division, Case No. 10-3313 (March 14 and 15, 2012).

Deposition of Daniel R. Fischel in In Re: Tronox Incorporated, et al., Debtors, In the United States Bankruptcy Court, Southern District of New York, Chapter 11, Case No. 09-10156 (ALG) (February 24, 2012).

Testimony of Daniel R. Fischel in In Re: BankAtlantic Bancorp, Inc. Litigation, In the Court of Chancery of the State of Delaware, Consolidated Civil Action No. 7068-VCL (January 27 and 30, 2012).

Deposition of Daniel R. Fischel in Hildene Capital Management, LLC et al v. BankAtlantic Bancorp, Inc., et al, In the Court of Chancery of the State of Delaware, C.A. No. 7068- VCL (January 19, 2012).

Deposition of Daniel R. Fischel in Advanced Analogic Technologies, Incorporated v. Skyworks Solutions, Inc. and Powerco Acquisition Corp., In the Court of Chancery of the State of Delaware, Arbitration No. 005-A-CS (November 18, 2011).

Testimony of Daniel R. Fischel in Prudential Retirement Insurance and Annuity Company v. State Street Bank and Trust Company and State Street Global Advisors, Inc., United States District Court, Southern District of New York, Case No. 07-CV-8488 (October 13, 2011).

Deposition of Daniel R. Fischel in In Re: Inkeepers USA Trust, et al v. Cerberus Series Four Holdings, LLC., et al, United States Bankruptcy Court, Southern District of New York, Case No. 10-13800 (SCC) (October 5, 2011).

Deposition of Daniel R. Fischel in Mary K. Jones, et al v. Pfizer, Inc., et al, United States District Court, Southern District of New York, Civil Action No. 10-cv-03864 (AKH) ECF (October 4, 2011).

Testimony of Daniel R. Fischel in Marina Del Rey Country Club Apartments, et al. vs. Archstone and Archstone Multifamily Series I Trust, Ruby/Archstone Arbitration (August 30, 2011).

Deposition of Daniel R. Fischel in Maher Terminals, LLC v. The Port Authority of New York and New Jersey, Before the Federal Maritime Commission, FMC Docket No. 08-03 (August 25, 2011).

Testimony of Daniel R. Fischel in Securities and Exchange Commission v. Joseph P. Nacchio, Robert S. Woodruff, Afshin Mohebbi, James J. Kozlowski and Frank T. Noyes, United States District Court for the District of Colorado, Civil Action No. 05-cv-480-MSK-CBS (August 16, 2011).

Affidavit of Daniel R. Fischel in Glenhill Capital LP, et al v. Porsche Automobil Holding, SE, f/k/a Dr. Ing. h.c. F. Porsche AG, Supreme Court of the State of New York, County of New York, Index Number 650678/2011 (August 15, 2011).

Deposition of Daniel R. Fischel in Fairfax Financial Holdings Limited and Crum & Forster Holdings Corp. v. S.A.C. Capital Management, LLC, et al., Superior Court of New Jersey, Law Division: Morris County, Docket No. MRS-L-2032-06 (July 27, 2011).

Deposition of Daniel R. Fischel In Re: Lyondell Chemical Company, et al v. Leonard Blavatnik, et al., United States Bankruptcy Court, Southern District of New York, Chapter 11 Case No. 09-10023 – (REG) (Jointly Administered) (July 25, 2011).

Deposition of Daniel R. Fischel In Re: Constar Int'l Inc. Securities Litigation, United States District Court, Eastern District of Pennsylvania, Master File No. 03cv05020 (June 28, 2011).

Affidavit of Daniel R. Fischel In Re: Massey Energy Co. Derivative and Class Action Litigation, in The Court of Chancery of the State of Delaware, C.A. No. 5430-VCS (May 20, 2011).

Deposition of Daniel R. Fischel in Marina Del Rey Country Club, et al v. Archstone and Archstone Multifamily Series I Trust, Ruby/Archstone Arbitration (May 9, 2011).

Testimony of Daniel R. Fischel in The Dow Chemical Company v. Petrochemical Industries Company (K.S.C.), International Chamber of Commerce, International Court of Arbitration, ICC Case No. 16127/JEM/MLK (April 7, 2011).

Testimony of Daniel R. Fischel In Re: Tribune Company, et al., Debtors, In the United States Bankruptcy Court for the District of Delaware, Chapter 11, Case No. 08-13141 (KJC) (March 10, 2011).

Deposition of Daniel R. Fischel In Re: Tribune Company, et al., Debtors, In the United States Bankruptcy Court for the District of Delaware, Chapter 11, Case No. 08-13141 (KJC) (March 2, 2011).

Deposition of Daniel F. Fischel In Re: Genetically Modified Rice Litigation, In the United States District Court for the Eastern District of Missouri, Eastern Division, Case No. 4:06 MD 1811 CDP (February 15, 2011)

Deposition of Daniel R. Fischel in Riceland Food, Inc. v. Bayer Cropscience LP, et al, In the United States District Court, Eastern District of Missouri, Eastern Division, Case No. 4:09- cv-00433 CDP (January 18, 2011).

Deposition of Daniel R. Fischel In Re: Genetically-Modified Rice Litigation, In the United States District Court for the Eastern District of Missouri, Case No. 4:06-MD-1811 (November 11, 12, 2010).

Deposition of Daniel R. Fischel in Coleen Witmer, Individually, and on Behalf of All Others Similarly Situated v. Dynegy Inc., In the District Court of Harris County, Texas, 234th Judicial District (November 6, 2010).

Testimony of Daniel R. Fischel in Terra Firma (GP) 2 Investments Limited v. Citigroup Inc., United States District Court for the Southern District of New York, No. 1:09-CV-10459 (JSR) (November 2, 2010).

Testimony of Daniel R. Fischel in Terra Firma (GP) 2 Investments Limited v. Citigroup Inc., United States District Court for the Southern District of New York, No. 1:09-CV-10459 (JSR) (October 22, 2010).

Testimony of Daniel R. Fischel in Air Products and Chemicals, Inc. v. Airgas, Inc., Peter McCausland, et al, In the Court of Chancery of the State of Delaware, C.A. No. 5249-CC (October 5, 2010).

Deposition of Daniel R. Fischel in Air Products and Chemicals, Inc. v. Airgas, Inc., Peter McCausland, et al, In the Court of Chancery of the State of Delaware, C.A. No. 5249-CC (September 8, 2010).

Deposition of Daniel R. Fischel in Terra Firma (GP) 2 Investments Limited v. Citigroup Inc., United States District Court for the Southern District of New York, No. 1:09-CV-10459 (JSR) (July 28, 2010).

Deposition of Daniel R. Fischel in Citadel Investment Group, L.L.C. et al v. Mikhail Malyshev and Jace Kohlmeier, In the American Arbitration Association, Case No. AAA No. 51 166 00969 09 (July 13, 2010).

Testimony of Daniel R. Fischel In Re: United States of America v. Joseph P. Nacchio, in the United States District Court for the District of Colorado, Case No. 05-CR-00545-EWN (June 23, 2010).

Deposition of Daniel R. Fischel in Cantor Fitzgerald Securities, Cantor Fitzgerald & Co., Cantor Fitzgerald Partners v. The Port Authority of New York and New Jersey, in the Supreme Court of the State of New York, County of New York, Case No. 105447/94 (June 4, 2010).

Deposition of Daniel R. Fischel in Alaska Retirement Management Board on behalf of State of Alaska Public Employees' Retirement System and State of Alaska Teachers' Retirement System v. Mercer (US), Inc., Mercer Human Resources Consulting, Inc., and William M. Mercer, Inc., in The Superior Court for the State of Alaska, First Judicial District at Juneau, Case No. 1JU-07-974CI (April 29, 2010).

Deposition of Daniel R. Fischel In Re: ACS Shareholders Litigation, in The Court of Chancery of the State of Delaware, Consolidated Case No. 4940-VCP (April 26, 2010).

Testimony of Daniel R. Fischel in Securities and Exchange Commission v. Carl W. Jasper, in the United States District Court for the Northern District of California, San Jose Division, Case No. C-07-06122-JW (April 16, 2010).

Deposition of Daniel R. Fischel in Prudential Retirement Insurance and Annuity Company v. State Street Bank and Trust Company and State Street Global Advisors, Inc., in the United States District Court, Southern District of New York, Case No. 07 CIV 8488 (April 9, 2010).

Deposition of Daniel R. Fischel In re: Lyondell Chemical Company, et al., Debtors. Official Committee of Unsecured Creditors, on behalf of the Debtors' Estates v. Citibank, N.A., et al., in the United States Bankruptcy Court, Southern District of New York, Chapter 11 Case No. 09-10023 – (RED) (December 2, 2009).

Deposition of Daniel R. Fischel in Securities and Exchange Commission v. Carl W. Jasper, In the United States District Court, Northern District of California, San Jose Division, Case No. CV 07-6122 (HRL) (October 22, 2009).

Testimony of Daniel R. Fischel in Ventas, Inc. v. HCP, Inc., In the United States District Court of the Western District of Kentucky at Louisville, Civil Action No. 3:07-cv-00238-JGH (September 2, 2009).

Deposition of Daniel R. Fischel in Frank K. Cooper Real Estate #1, Inc., et al vs. Cendant Corporation f/k/a Hospitality Franchise Systems and Century 21 Real Estate Corporation, Superior Court of New Jersey, Law Division: Morris County, Docket No. MRS-L-377-02 (August 10, 2009).

Deposition of Daniel R. Fischel in Ventas, Inc. v. HCP, Inc., In the United States District Court of the Western District of Kentucky at Louisville, Civil Action No. 3:07-cv-00238-JGH (August 3, 2009).

Deposition of Daniel R. Fischel in U.S. Commodity Futures Trading Commission v. Amaranth Advisors, L.L.C., Amaranth Advisors (Calgary) and Brian Hunter, in the United States District Court, Southern District of New York, Case No. 07 CIV 6682 (July 8, 2009).

Declaration and Expert Surrebutal Report of Daniel R. Fischel in Ventas, Inc. v. HCP, Inc., In The United States District Court for the Western District of Kentucky at Louisville, Case No. 3:07-CV-00238-JGH (June 22, 2009).

Testimony of Daniel R. Fischel in NRG Energy, Inc. v. Exelon Corporation and Exelon Exchange Corporation, in the United States District Court, Southern District of New York, Case No. 09-CV-2448 (JGK) (DFE), (June 3, 2009).

Deposition of Daniel R. Fischel In Re: Delphi Corporation v. Appaloosa Management L.P., et al., In the United States Bankruptcy Court, Southern District of New York; Chapter 11, Case No. 05-44481(RDD) (Jointly administered), (June 2, 2009).

Deposition of Daniel R. Fischel in NRG Energy, Inc. v. Exelon Corporation and Exelon Exchange Corporation, in the United States District Court, Southern District of New York, Case No. 09-CV-2448 (JGK) (DFE), (May 31, 2009).

Deposition of Daniel R. Fischel in e-Bay Domestic Holdings, Inc. v. Craig Newmark and James Buckmaster and Craigslist, Inc., in the Court of Chancery of the State of Delaware, Case No. 3705-CC (May 29, 2009)

Testimony of Daniel R. Fischel In Re: Lawrence E. Jaffe Pension Plan, et al v. Household International, Inc., et al, in the United States District Court for the Northern District of Illinois, Eastern Division, No. 02-C-5893 (April 16, 20, 28 and 29, 2009).

Deposition of Daniel R. Fischel In Re: Rohm and Haas Company v. The Dow Chemical Company and Ramses Acquisition Corp., In the Court of Chancery of the State of Delaware, C.A. No. 4309-CC (March 4, 2009).

Deposition of Daniel R. Fischel In the Matter of Hoffman, et al. v. American Express Travel Related Services Company, Inc., et al., in the Superior Court of the State of California, in and for the County of Alameda, Case No. 2001-022881 (January 15, 2009).

Deposition of Daniel R. Fischel In Re: TyCom Ltd. Securities Litigation, in the United States District Court, District of New Hampshire, Docket No. 03-CV-1352 (September 22, 2008).

Deposition of Daniel R. Fischel In Re: Hexion Specialty Chemicals, Inc., et al v. Huntsman Corp., in the Court of Chancery of the State of Delaware, Civil Action No. 3841-VCL (September 4, 2008).

Deposition of Daniel R. Fischel In Re: Stone Energy Corp. Securities Litigation, in the United States District Court, Western District of Louisiana, Lafayette-Opelousas Division, Civil Action No. 6:05CV2088 (LEAD) (July 16, 2008).

Deposition of Daniel R. Fischel In Re: Initial Public Offering Securities Litigation, in the United States District Court, Southern District of New York, Master File No. 21 MC 92 (SAS) (April 3 and 4, 2008).

Deposition of Daniel R. Fischel In Re: Lawrence E. Jaffe Pension Plan, et al v. Household International, Inc., et al, in the United States District Court for the Northern District of Illinois, Eastern Division, No. 02-C-5893 (March 21, 2008).

Deposition of Daniel R. Fischel In Re: IAC/InteractiveCorp and Barry Diller v. Liberty Media Corporation, in the Court of Chancery of the State of Delaware in and for New Castle County, Consolidated Case Number 3486-VCL (February 29, 2008).

Testimony of Daniel R. Fischel In Re: Immunicon Corporation v. Veridex LLC, before the American Arbitration Association (Commercial Arbitration Rules), Case Number 50 180T 00192 07 (January 17, 2008).

Deposition of Daniel R. Fischel In Re: Unitedglobalcom Shareholders Litigation, in the Court of Chancery of the State of Delaware in and for New Castle County, Consolidated C.A. No. 1012-N (November 19, 2007).

Deposition of Daniel R. Fischel In Re: Cendant Corporation Litigation, in the United States District Court for the District of New Jersey, Master File No. 98-1664 (WHW) (November 15, 2007).

Deposition of Daniel R. Fischel In Re: Cendant Corporation Litigation, in the United States District Court for the District of New Jersey, Master File No. 98-1664 (WHW) (October 16, 2007).

Deposition of Daniel R. Fischel In Re: Schering-Plough Corporation Securities Litigation, in the United States District Court for the District of New Jersey, Master File No. 01-CV-0829 (KSH/RJH) (October 12, 2007).

Deposition of Daniel R. Fischel In Re: Carpenters Health & Welfare Fund, et al. vs. The Coca-Cola Company, in the United States District Court, Northern District of Georgia, Atlanta Division, File No. 1:00-CV-2838-WBH (Consolidated) (September 26, 2007).

Deposition of Daniel R. Fischel In Re: Parker Freeland, et al., vs. Iridium World Communications, Ltd., et al., in the United States District Court for the District of Columbia, Civil Action No. 99-1002 (August 7, 2007)

Deposition of Daniel R. Fischel In Re: Chuck Ginsburg v. Philadelphia Stock Exchange, Inc., et al., In the Court of Chancery of the State of Delaware in and for New Castle County, C.A. No. 2202-N (June 12, 2007).

Testimony of Daniel R. Fischel In Re: Holcombe T. Green and HTG Corp. v. McKesson, Inc., et al., In the Superior Court for the County of Fulton, State of Georgia, Civil Action File No. 2002-CV-48407 (June 5, 2007).

Affidavit of Daniel R. Fischel In Re: Lear Corporation Shareholders Litigation, In the Court of Chancery of the State of Delaware, Consolidated C.A. No. 2728-VCS (May 30, 2007).

Affidavit of Daniel R. Fischel In Re: Aeroflex, Inc. Shareholder Litigation, in the Supreme Court of the State of New York, County of Nassau: Commercial Division, Index No. 07-003943 (May 23, 2007).

Deposition of Daniel R. Fischel In Re: Holcombe T. Green and HTG Corp. v. McKesson, Inc., HBO & Company, Albert Bergonzi, and Jay Gilbertson, in the Superior Court for the County of Fulton, State of Georgia, Civil Action File No. 2002W48407 (May 21, 2007).

Deposition of Daniel R. Fischel In Re: Adelphia Communications Corp. v. Deloitte & Touche LLP, et al., in the Court of Common Pleas, Philadelphia County, Pennsylvania, Case No. 000598 (May 3 and 4, 2007).

Testimony of Daniel R. Fischel In Re: United States of America v. Joseph P. Nacchio, in the United States District Court for the District of Colorado, Case No. 05-CR-00545-EWN (April 9, 2007).

Deposition of Daniel R. Fischel In Re: MK Resources Company Shareholders Litigation, in the Court of Chancery for the State of Delaware in and for New Castle County, C.A. No. 1692- N (February 22, 2007).

Deposition of Daniel R. Fischel In Re: Starr International Company, Inc. v. American International Group, Inc., In the United States District Court, Southern District of New York, Case No. 05 CV 6283 (January 26, 2007).

Written testimony of Daniel R. Fischel In Re: Verizon Communications Inc. and Verizon Services Corp. v. Christopher G. Pizzirani, In the United States District Court for the Eastern District of Pennsylvania, Case No. 2:06-cv-04645-MK (November 6, 2006).

Testimony of Daniel R. Fischel In Re: Northeast Savings, F.A. v. United States of America, In the United States Claims Court, Case No. 92-550 C (November 2 and 9, 2006).

Testimony of Daniel R. Fischel In Re: United States of America v. Sanjay Kumar and Stephen Richards, United States District Court, Eastern District of New York, 04 Civ. 4104 (ILG) (October 25, 2006).

Affidavit of Daniel R. Fischel In Re: Lionel I. Brazen and Nancy Hammerslough, et al v. Tyco International Ltd., et al, In the Circuit Court of Cook County, Illinois County Department, Chancery Division, No. 02 CH 11837 (September 18, 2006).

Deposition of Daniel R. Fischel In Re: Tele-Communications, Inc. Shareholders Litigation, in the Court of Chancery of the State of Delaware in and for New Castle County, Consolidated C.A. No. 16470 (September 15, 2006).

Affidavit of Daniel R. Fischel In Re: United States of America v. Sanjay Kumar and Stephen Richards, United States District Court, Eastern District of New York, 04 Civ. 4104 (ILG) (September 8, 2006).

Deposition of Daniel R. Fischel In Re: James Gilbert v. McKesson Corporation, et al., in the State Court of Fulton County, State of Georgia, Civil Action File No. 02VS032502C (September 7, 2006).

Supplemental Declaration of Daniel R. Fischel In Re: United States of America v. Jeffrey K. Skilling, in the United States District Court, Southern District of Texas, Houston Division, Crim. No. H-04-25 (Lake, J.) (August 25, 2006).

Affidavit of Daniel R. Fischel In Re: United States of America v. Sanjay Kumar and Stephen Richards, United States District Court, Eastern District of New York, 04 Civ. 4104 (ILG) (August 22, 2006).

Declaration of Daniel R. Fischel In Re: United States of America v. Jeffrey K. Skilling, in the United States District Court, Southern District of Texas, Houston Division, Crim. No. H-04- 25 (Lake, J.) (August 3, 2006).

Deposition of Daniel R. Fischel In Re: Enron Corporation Securities Litigation, in the United States District Court, Southern District of Texas, Houston Division, Case Number: H-01- 3624 (May 24, 2006).

Testimony of Daniel R. Fischel In Re: Guidant Corporation Shareholders Derivative Litigation, in the United States District Court, Southern District of Indiana, Indianapolis Division, Master Derivative Docket No. 1:03-CV-955-SEB-WTL (January 20, 2006).

Testimony of Daniel R. Fischel In Re. Hideji Jumbo Tanaka v. Cerberus Far East Management, L.L.C., et al., AAA Case No. 50 T 116 00284 03, (December 15, 2005).

Deposition of Daniel R. Fischel In Re: McKesson HBOC, Inc. Securities Litigation, in the United States District Court for the Northern District of California, No. C-99-20743-RMW (August 16, 2005).

Testimony of Daniel R. Fischel In the Matter of Visconsi Companies Ltd., et al. and Lehman Brothers, et al., National Association of Securities Dealers Department of Arbitration, Grievance No. 03-07606 (July 26, 2005).

Testimony of Daniel R. Fischel In Re: John P. Crowley, as Receiver of Ambassador Insurance Company v. Doris June Chait, et al., in the United States District Court for the District of New Jersey, Case No. 85-2441 (HAA) (July 21 and 22, 2005).

Deposition of Daniel R. Fischel In Re: Electronic Data Systems Corporation Securities Litigation, in the United States District Court for the Eastern District of Texas, Tyler Division, Case No. 6:03-MD-1512 (July 20, 2005).

Testimony of Daniel R. Fischel In Re: United States of America v. Philip Morris, Inc., et al, in the United States District Court for the District of Columbia, Case No. 1:99CV02496 (May 26 and 27, 2005).

Deposition of Daniel R. Fischel In Re: Cordis Corporation v. Boston Scientific Corporation, et al, in the United States District Court for the District of Delaware, Case No. 03-027-SLR (May 25, 2005).

Deposition of Daniel R. Fischel In Re: United States of America v. Philip Morris, Inc., et al, in the United States District Court for the District of Columbia, Case No. 1:99CV02496 (May 16, 2005).

Testimony of Daniel R. Fischel In Re: Drury Industries, Inc. v. Drury Properties, Inc., in the First Judicial District Court of the State of Nevada in and for Carson City, Nevada (April 6 and 7, 2005).

Deposition of Daniel R. Fischel In Re: Jerry R. Summers and George T. Lenormand, et al v. UAL Corporation ESOP Committee, Marty Torres, Barry Wilson, Doug Walsh, Ira Levy, Don Clements, Craig Musa, and State Street Bank and Trust Company, in the United States District Court for the North District of Illinois, Eastern Division, No. 03 C 1537 (March 9, 2005).

Deposition of Daniel R. Fischel In Re: Drury Industries, Inc. v. Drury Properties, Inc., in the First Judicial District Court of the State of Nevada in and for Carson City, Nevada (March 7 and 10, 2005).

Testimony of Daniel R. Fischel In the Matter of Fyffes PLC v. DCC PLC, S&L Investments Limited, James Flavin and Lotus Green Limited, in The High Court, Dublin, Ireland (2002 No. 1183P) (February 1 and 2, 2005).

Deposition of Daniel R. Fischel In the Matter of the Arbitration between The Canada Life Assurance Company and The Guardian Life Insurance Company of America (January 12, 2005).

Deposition of Daniel R. Fischel In Re: IDT Corporation vs. Telefonica, S.A., et al, in the United States District Court, District of New Jersey, Civil Action No. 01-CV 471 (December 14, 2004).

Deposition of Daniel R. Fischel In Re: DQE, Inc. Securities Litigation, in the United States District Court, Western District of Pennsylvania, Master File No. 01-1851 (December 7, 2004)

Testimony of Daniel R. Fischel In Re: United States of America v. Daniel Bayly, James A Brown, Robert S. Furst, Daniel O. Boyle, William R. Fuhs and Sheila K. Kahanek, in the United States District Court of Southern Texas Houston Division, Case No. H-CR-03-363 (November 4, 2004).

Testimony of Daniel R. Fischel In the Matter of the Arbitration Between the Canada Life Assurance Company, Petitioner v. Caisse Centrale De Reassurance, Respondent, (November 2, 2004).

Testimony of Daniel R. Fischel In Re: Yankee Atomic Electric Company, Connecticut Yankee Atomic Power Company, and Maine Yankee Atomic Power Company v. The United States, in the United States Court of Federal Claims, Case Nos. 98-126C, 98-154C and 98-474C (August 9, 2004).

Affidavit of Daniel R. Fischel In Re: Oracle Corp. Derivative Litigation, in the Court of the Chancery of the State of Delaware In and For New Castle County, Consolidated Civil Action No. 18751 (June 8, 2004).

Deposition of Daniel R. Fischel In Re: Reading International, Inc., et al v. Regal Entertainment Group, et al, (Delaware Chancery Court) (May 30, 2004).

Affidavit of Daniel R. Fischel In Re: Reading International, Inc., et al v. Regal Entertainment Group, et al, (Delaware Chancery Court) (May 28, 2004).

Deposition of Daniel R. Fischel In Re: Northeast Savings, F.A. v. United States of America, in the United States Claims Court, Case No. 92-550-C (May 4, 5 and 6, 2004).

Deposition of Daniel R. Fischel In Re: Tyson Foods, Inc. Securities Litigation, in the United States District Court for the District of Delaware, Civil Action No. 01-425-SLR (March 18, 2004).

Testimony of Daniel R. Fischel In the Matter of Coram Healthcare Corp. and Coram, Inc., Debtors, In the

United States Bankruptcy Court for the District of Delaware, Case No. 00- 3299 Through 00-3300 (MFW) (March 4, 2004).

Testimony of Daniel R. Fischel In Re: Tracinda Corporation v. DaimlerChrysler AG, et al, in the United States District Court for the District of Delaware, Civil Action No. 00-984 (February 11, 2004)

Deposition of Daniel R. Fischel In Re: Gerald K. Smith, as Plan Trustee for and on behalf of the Estates of Boston Chicken, Inc., et al. v. Arthur Anderson LLP, et al., in the United States District Court for the Northern District of Illinois, Case Nos. CIV-01-218-PHX-PGR, CIV-01- 246-PHX-EHC, CIV-02-1162-PHX-PGR, CIV-02-1248-PHX-PGR (Consolidated) (October 29 and 30, 2003).

Deposition of Daniel R. Fischel In Re: Irene Abrams, on behalf of herself and all others similarly situated v. Van Kampen Funds, Inc., Van Kampen Investment Advisory Corp., Van Kampen Prime Rate Income Trust, Howard Tiffen, Richard F. Powers III, Stephen L. Boyd, Dennis J. McDonnell and Jeffrey W. Maillet, in the United States District Court for the Northern District of Illinois, Eastern Division, Case No. 01-C-7538 (October 21, 2003).

Deposition of Daniel R. Fischel In the Matter of Coram Healthcare Corp. and Coram, Inc., Debtors, In the United States Bankruptcy Court for the District of Delaware, Case No. 00- 3299 Through 00-3300 (MFW) (October 13, 2003).

Testimony of Daniel R. Fischel In Re: Transcore Holdings, Inc. v. Rocky Mountain Mezzanine Fund II, LP; Hanifen Imhoff Mezzanine Fund, LP; Moramerica Capital Corporation; and NDSBIC, LP and W. Trent Ates and Fred H. Rayner, In Re: Jams Arbitration, Case No. 1410003193 (September 24, 2003).

Deposition of Daniel R. Fischel In Re: Transcore Holdings, Inc. v. Rocky Mountain Mezzanine Fund II, LP; Hanifen Imhoff Mezzanine Fund, LP; Moramerica Capital Corporation; and NDSBIC, LP and W. Trent Ates and Fred H. Rayner, In Re: Jams Arbitration, Case No. 1410003193 (May 13, 2003).

Deposition of Daniel R. Fischel In Re: AT&T Broadband Management Corporation v. CSG Systems, Inc., American Arbitration Association No. 77 181 00159 02 VSS (April 9, 2003).

Deposition of Daniel R. Fischel In Re: DaimlerChrysler AG Securities Litigation, in the United States District Court for the District of Delaware, Civil Action No. 00-993-JJF (February 11 and 12, 2003).

Deposition of Daniel R. Fischel In Re: David T. Bard, Commissioner of Banking and Insurance for the State of Vermont, as Receiver for Ambassador Insurance Company v. Arnold Chait, et al, in the United States District Court for the District of New Jersey, Civil Action No. 85- 2441 (December 12, 2002).

Testimony of Daniel R. Fischel In Re: MHC Financing Limited Partnership, et al vs. City of San Rafael, et al, in the United States District Court, Northern District of California, Case No. C 00-3785 VRW (November 6, 2002).

Deposition of Daniel R. Fischel In Re: MHC Financing Limited Partnership, et al vs. City of San Rafael, et al, in the United States District Court, Northern District of California, Case No. C 00-3785 VRW (October 16, 2002).

Deposition of Daniel R. Fischel In Re: Maine Yankee Atomic Power Company v. United States of America, In the United States Court of Federal Claims, Case No. 98-474 C (October 8 and 9, 2002)

Testimony of Daniel R. Fischel In Re: California Federal Bank, FSB v. The United States of America, In the United States Court of Federal Claims, Case No. 92-138C (September 20 and 23, 2002).

Deposition of Daniel R. Fischel In Re: Maine Yankee Atomic Power Company v. United States of America, In the United States Court of Federal Claims, Case No. 98-474 C (September 4 and 6, 2002).

Deposition of Daniel R. Fischel In the Matter of RDM Sports Group, Inc., et al v. Smith, Gambrell, Russell, L.L.P.; et al, In the United States Bankruptcy Court for the Northern District of Georgia, Newnan Division, Case No. 00-1065 (May 14 and 15, 2002).

Deposition of Daniel R. Fischel In Re: Walter B. Hewlett, individually and as Trustee of the William R. Hewlett Revocable Trust, and Edwin E. van Bronkhorst as Co-Trustee of the William R. Hewlett Revocable Trust v. Hewlett-Packard Company, in the Court of the Chancery of the State of Delaware in and for New Castle County (April 24, 2002).

Deposition of Daniel R. Fischel In Re: California Federal Bank, FSB, v. The United States of America, in the United States District Court of Federal Claims, Case No. 92-138C (April 16 and 17, 2002).

Deposition of Daniel R. Fischel In Re: Computer Associates Class Action Securities Litigation, in the United States District Court, Eastern District of New York, File No. 98-CV-4839 (TPC) (MLO) (March 19 and 20, 2002).

Deposition of Daniel R. Fischel In Re: United States of America v. David Blech, In the United States District Court, Southern District of New York, Case No. S1 97 Cr. 402 (KTD) (February 13, 2002).

Testimony of Daniel R. Fischel In the Matter of Coram Healthcare Corp. and Coram, Inc., Debtors, In the United States Bankruptcy Court for the District of Delaware, Case No. 00- 3299 Through 00-3300 (MFW) (December 14, 2001).

Deposition of Daniel R. Fischel In Re: Sunbeam Securities Litigation, In the United States District Court, Southern District of Florida, Miami Division, Case No. 98-8258-CIV – Middlebrooks (December 4, 5 and 6, 2001).

Affidavit of Daniel R. Fischel In Re: Jack M. Webb, Special Deputy Receiver for American Eagle Insurance Company v. Elvis Mason, Mason Best Company, L.P., Don D. Hutson, American Eagle Group, Inc., Marion Phillip Guthrie, Frederick G. Anderson, George F. Cass, Richard M. Kurz, Patricia S. Pickard, Arthur Andersen & Co., L.L.P., and Towers, Perrin Forester & Crosby, Inc., D/B/A Tillinghast, In the District Court of Travis County, Texas, 201st Judicial District, Cause No. 99-08253 (September 7, 2001).

Declaration of Daniel R. Fischel In the Matter of Inquiry Concerning High-Speed Access to the Internet Over Cable and Other Facilities; Before the Federal Communications Commission, Washington DC, GN Docket No. 00-185, (Declaration with K. Arrow, G. Becker, D. Carlton, R. Gertner, J. Kalt, H. Sider, and Gustavo Bamberger) (July 24, 2001).

Declaration of Daniel R. Fischel In Re: Walter Green, on behalf of himself and all others similarly situated v. Merck-Medco Managed Care, L.L.C., United States District Court, Southern District of New York, Civil Action No. 99 CIV 0847 (CLB) (June 18, 2001).

Testimony of Daniel R. Fischel In Re: Tyson Foods, Inc. and Lasso Acquisition Corporation v. IBP, Inc., Delaware Chancery Court, (May 25, 2001).

Deposition of Daniel R. Fischel In Re: Tyson Foods, Inc. and Lasso Acquisition Corporation v. IBP, Inc., Delaware Chancery Court, (May 10, 2001).

Deposition of Daniel R. Fischel In Re: Myron Weiner, Nicholas Sitnycky, Ronald Anderson and Robert Furman on behalf of themselves and all others similarly situated v. The Quaker Oats Company and William D. Smithburg, United States District Court, Northern District of Illinois, Case No. 98 C 3123, (January 24, 2001).

Deposition of Daniel R. Fischel In Re: Retsky Family Limited Partnership v. Price Waterhouse, LLP, United States District Court, Northern District of Illinois, Eastern Division, No. 97 C 7694, (October 31, 2000).

Joint Affidavit of Daniel R. Fischel and David J. Ross In Re: Floyd D. Wilson, for himself and all others similarly situated v. Massachusetts Mutual Life Insurance Company, in the First Judicial District Court, County of Santa Fe, State of New Mexico, No. D0101 CV-98-02814 (August 4, 2000).

Affidavit of Daniel R. Fischel In Re: T. Rowe Price Recovery Fund, L.P., and Carl Marks Management Co., L.P., individually and derivatively on behalf of Seaman Furniture Co., Inc. v. James Rubin, M.D. Sass Associates, Inc., Resurgence Asset Management, L.L.C., M.D. Sass Corporation Resurgence Partners, L.P., M.D. Sass Corporate Resurgence International, Ltd., Robert Symington, Byron Haney, Alan Rosenberg, Steven H. Halper, and Peter McGeough and Seaman Furniture Co., Inc., In the Court of Chancery of the State of Delaware in and for New Castle County, C.A. No. 18013, (June 7, 2000).

Testimony of Daniel R. Fischel In Re: Bank United of Texas, FSB, et al., v. United States of America, United States Court of Federal Claims, Case Number 95-437C, (October 12 and 14, 1999).

Deposition of Daniel R. Fischel In Re: Bank United of Texas, FSB, et al., v. United States of America, United States Court of Federal Claims, Case Number 95-437C, (September 26, 1999; July 10, 1999; and June 16, 17, 1999).

Testimony of Daniel R. Fischel In Re: C. Robert Suess, et al., v. The United States, United States Court of Federal Claims, No. 90- 981C (May 17, 1999).

Testimony of Daniel R. Fischel In Re: Lexecon, Inc. v. Milberg Weiss Bershad Specthrie & Lerach, et al., in the United States District Court, Northern District of Illinois Eastern Division, Case No. 92 C 7768 (March 8, 9, 10 and 15, 1999).

Testimony of Daniel R. Fischel In Re: California Federal Bank v. United States, in the United States Court of Federal Claims, Case Number 92-138C, (February 4 and 11, 1999).

Deposition of Daniel R. Fischel In Re: California Federal Bank v. United States, in the United States Court of Federal Claims, Case Number 92-138C, (February 6, 1999; January 27 and 30, 1999).

Deposition of Daniel R. Fischel In Re: C. Robert Suess, et al., v. The United States, United States Court of Federal Claims, No. 90- 981C (October 27 and 28, 1998).

Deposition of Daniel R. Fischel In Re: Connector Service Corporation v. Jeffrey Briggs, United States District Court, Northern District of Illinois, Eastern Division, No. 97-C-7088 (August 28, 1998).

Deposition of Daniel R. Fischel In Re: Statesman Savings Holding Corp., et al. v. United States of America, United States Court of Federal Claims, Case No. 90-773C, (May 4, 1998 and February 12, 1998).

Testimony of Daniel R. Fischel In Re: Glendale Federal Bank FSB v. United States of America, United States Court of Federal Claims, No. 90-772C, (March 24, 25 and 26, 1998; September 2, 3, 4, 5, 8, 9, 10, 11, 12, 24, 25, 26 and 27, 1997; October 7, 9, 16, 17, 30 and 31, 1997; December 8, 9 and 10, 1997).

Affidavit of Daniel R. Fischel and David J. Ross In Re: Publicis Communication v. True North Communications Inc., et al., United States District Court, Northern District of Illinois, Eastern Division, Case No. 97-C-8263, (December 7, 1997).

Deposition of Daniel R. Fischel In Re: Glendale Federal Bank FSB v. United States of America, United States Court of Federal Claims, No. 90-772C, (August 27 and 28, 1997).

Testimony of Daniel R. Fischel In Re: AUSA Life Insurance Company, et al. v. Ernst & Young, in the United States District Court, Southern District of New York, Master File No. 94 CIV. 3116 (CLB) (July 7 and 8, 1997).

Deposition of Daniel R. Fischel In Re: Santa's Best, f/k/a National Rennoc, an Illinois general partnership, and Tinsel/Ruff Group Limited Partnership, an Illinois limited partnership v. Rennoc Limited Partnership, a New Jersey limited partnership, v. Tinsel/Ruff Group Limited Partnership, an Illinois

limited partnership, in the Circuit Court of Cook, Illinois County Department - Chancery Division, No. 95 CH 12160, (June 17, 1997).

Arbitration of Daniel R. Fischel In Re: Lerner v. Goldman Sachs, et. al., Before the American Arbitration Association, 75-136-00090-94 (April 10, 1997).

Affidavit of Daniel R. Fischel In Re: Hilton Hotels Corporation and HLT Corporation v. ITT Corporation, United States District Court, District of Nevada, CV-S-97-00095-PMP (RLH) (March 24, 1997).

Deposition of Daniel R. Fischel In Re: Glendale Federal Bank, FSB v. United States of America, Washington, D.C., Case No. 90-772C, (March 19, 1997; January 30 and 31, 1997).

Deposition of Daniel R. Fischel In Re: Statesman Savings Holding Corporation v. United States of America, Washington, D.C., Case No. 90-773-C, (February 19 and 20, 1997).

Testimony of Daniel R. Fischel In Re: Westcap Enterprises, Inc. and Westcap Corporation, Debtor; in the United States Bankruptcy Court, for the Southern District of Texas, Houston Division, Houston, Texas; Case No. 96-43191-H2-11, (November 1996).

Testimony of Daniel R. Fischel In Re: United States of America v. Robert R. Krilich, in the United States District Court, Northern District of Illinois, Eastern Division, No. 94 CR 419, (August 20, 1996 and July 15, 1996)

Deposition of Daniel R. Fischel In Re: McMahan & Company, Frole, Revy Investment Co., Inc. and Wechsler & Krumholz, Inc. v. Wherehouse Entertainment, Inc., Louis A. Kwiker, George A. Smith, Michael T. O'Kane, Lawrence K. Harris, et al., United States District Court, Southern District of New York, Index No. 88 Civ. 0321 (SS) (AJP), (July 16, 1996 and June 10, 1996).

Deposition of Daniel R. Fischel In Re: Joseph W. and Helen B. Teague, Steven Allen Barker, Rita Strahowski, Swanee Beck, and Lifetime Partners of PTL, as representatives of a nationwide class consisting of 150,129 Lifetime Partners and of 27,839 persons who have partially paid for Lifetime Partnerships v. James O. Bakker, in the United States District Court for the Western District of North Carolina, Civil Action No. 3:87CV514, (June 28, 1996).

Deposition of Daniel R. Fischel In Re: Snapple Beverage Corporation Securities Litigation, in the United States District Court, Eastern District of New York, Master File No. CV 94-3647 (May 30, 1996).

Testimony of Daniel R. Fischel In Re: Chuck Quackenbush, Insurance Commissioner of the State of California, in his capacity as Trustee of Mission Insurance Company Trust, et al. v. Borg-Warner Corporation, Borg Warner Equities Corporation, Borg-Warner Insurance Service, Inc., et al., for the Superior Court of the State of California, for the County of Los Angeles, No. C688487 (April 18, 1996).

Deposition of Daniel R. Fischel In Re: Chuck Quackenbush, Insurance commissioner of the State of California, in his capacity as Trustee of Mission Insurance Company Trust, et al. v. Borg-Warner Corporation, Borg Warner Equities Corporation, Borg-Warner Insurance Service, Inc., et al., for the Superior Court of the State of California, for the County of Los Angeles, No. C688487 (April 17, 1996).

Deposition of Daniel R. Fischel In Re: Household Commercial Financial Services, Inc. a citizen of the states of Delaware and Illinois v. Julius Trump, a citizen of the State of Florida, Edmond Trump, a citizen of the state of Florida, James M. Jacobson, a citizen of the State of New York, and Parker, Chapin, Flattau & Klimpl, a citizen of the states of New York and New Jersey, in the United States District Court, for the Northern District of Illinois Eastern Division, 92 C 5010 (February 1, 1996).

Deposition of Daniel R. Fischel In Re: JWP, Inc. Securities Litigation, in the United States District Court, Southern District of New York, Master File No. 92 Civ. 5815 (CLB); AUSA Life Insurance Company, et al. v. Ernst & Young, in the United States District Court, Southern District of New York, Master File No. 94 Civ. 3116 (CLB) (November 30, 1995; November 9, 1995; October 18 and 19, 1995; September 28, 1995).

Deposition of Daniel R. Fischel In Re: City of Houston Municipal Employees Pension System, a Texas association v. PaineWebber Group Inc., et al., in the United States District Court, Eastern District of Missouri, Eastern Division, No. 4:94CV0073CAS (November 15 and 16, 1995).

Testimony of Daniel R. Fischel In Re: American Continental Corporation/Lincoln Savings & Loan Securities Litigation - Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach and Kevin P. Roddy, in the United States District Court, District of Arizona, Civ-93-1087-PHX-JMR (July 25 and 26, 1995).

Deposition of Daniel R. Fischel In Re: Keith C. Bogard, et al., v. National Community Bank Inc., et al., in the United States District Court, District of New Jersey, No. 90-5-32 (HAA) (December 20, 1994).

Deposition of Daniel R. Fischel In Re: Harvey Rosen, Ben Rogers and Julie Rogers v. Deloitte & Touche, Elias Zinn, Julius Zinn, Dennis Lamm, and Ronald Begnaud, in the 268th Judicial District Court, of Fort Bend County, Texas, Cause No. 84-482 (November 9, 1994).

Testimony of Daniel R. Fischel In Re: PPM America, Inc., et al. v. Marriott Corporation et al., in the United States District Court, for the District of Maryland, Civil Docket No. H-92-3068 (October 12, 1994).

Deposition of Daniel R. Fischel In Re: Browning-Ferris Industries, Inc., Securities Litigation, United States District Court, for the Southern District of Texas, Houston Division, Civil Action H-903477 (September 1, 1994).

Testimony of Daniel R. Fischel In Re: Computer Associates International Inc. Securities Litigation, United States District Court, Eastern District of New York, CV-90-2398 (JBW) (May 26 and 27, 1994).

Deposition of Daniel R. Fischel In Re: PPM America, Inc., et al. v. Marriott Corporation et al., United States District, for the District of Maryland, H-92-3068 (May 10, 1994 and March 8, 1994).

Deposition of Daniel R. Fischel In Re: Securities and Exchange Commission v. Shared Medical Systems Corporation, R. James Macaleer, James C. Kelly and Clyde M. Hyde, United States District Court, for the Eastern District of Pennsylvania, Civil Action - Law: No. 91- CV-6549 (February 22, 1994).

Testimony of Daniel R. Fischel In Re: Peter M. Schultz and Pamela A. Schultz v. Rhode Island Hospital Trust National Bank, N.A., et al., United States District Court, District of Massachusetts, Civil Action No. 88-2870-T (February 16, 1994).

Deposition of Daniel R. Fischel In Re: Henry T. Endo, et al. v. John M. Albertine, et al., United States District Court, Northern District of Illinois, Eastern Division, No. 88 C 1815 (November 11 and 12, 1993; October 28, 1993).

Deposition of Daniel R. Fischel In Re: Computer Associates International Inc. Securities Litigation, United States District Court, Eastern District of New York, CV 90-2398 (JBW) (November 2, 1993 and February 4, 1993).

Affidavit of Daniel R. Fischel In Re: Peter M. Schultz and Pamela A. Schultz v. Rhode Island Hospital Trust National Bank, N.A. et al., United States District Court, District of Massachusetts, Civil Action No. SS-2870-T (October 28, 1993).

Deposition of Daniel R. Fischel In Re: Alpheus John Goddard, III, etc. v. Continental Bank N.A., etc., State of Illinois, County of Cook, Circuit Court of Cook County, County Department- Chancery Division, No. 89 CH 1081 (September 10, 1993).

Deposition of Daniel R. Fischel In Re: Taxable Municipal Bond Section "G" Securities Litigation, United States District Court, Eastern District of Louisiana, MDL No. 863 (September 2, 1993).

Reply Affidavit of Daniel R. Fischel In Re: Columbia Securities Litigation, United States District Court Southern District of New York, 89 Civ. 6821 (LBS) (August 30, 1993).

Affidavit of Daniel R. Fischel In Re: Consumers Gas & Oil, Inc. v. Farmland Industries, Inc., et al., United States District Court, for the District of Colorado, Civil Action No. 92-F-1394 (August 26, 1993).

Declaration of Daniel R. Fischel In Re: Equitec Rollup Litigation, United States District Court for the Northern District of California, Master file No. C90 2064 CAL (July 28, 1993).

Deposition of Daniel R. Fischel In Re: United Telecommunications, Inc. Securities Litigation, United States District Court for the District of Kansas, No. 90-2251-0 (July 22, 1993, April 21 and 22, 1993).

Deposition of Daniel R. Fischel In Re: Consumers Gas & Oil, Inc., a Colorado farm cooperative in liquidation, on behalf of itself and others similarly situated v. Farmland Industries, Inc., a Kansas farm cooperative, et al., United States District Court, District of Colorado, 92-F- 1394 (June 18, 1993).

Deposition of Daniel R. Fischel In Re. Rosalind Wells v. HBO & Company, United States District Court, Northern District of Georgia, Atlanta Division, 8-87-CV-657A (JTC) (June 10, 1993 and May 24, 1993).

Deposition of Daniel R. Fischel In Re: Equitec Rollup Litigation, United States District Court, Northern District of California, No. C-90-2064 CAL (June 2 and 3, 1993).

Supplemental Declaration of Daniel R. Fischel In Re: Oracle Securities Litigation, United States District Court, Northern District of California, Master File No. C 90 0931 VRW (May 20, 1993).

Affidavit of Daniel R. Fischel and Kenneth R. Cone In Re: Raymond P. Hayden, et al. v. Jeffrey L. Feldman, et al., United States District Court, Southern District of New York No. 88 Civ. 8048 (JES) (May 12, 1993).

Testimony of Daniel R. Fischel In Re: Melridge, Inc., Securities Litigation, United States District Court for the District of Oregon, CV No. 87-1426-FR (May 4 and 5, 1993).

Declaration of Daniel R. Fischel In Re: Oracle Securities Litigation, United States District Court, Northern District of California, Master File No. C 90 0931 VRW (April 20, 1993).

Deposition of Daniel R. Fischel In Re: Gillette Securities Litigation, United States District Court, District of Massachusetts, No. 88-1858-K (April 1, 1993).

Affidavit of Daniel R. Fischel In Re: Columbia Securities Litigation, United States District Court, Southern District of New York, 89 Civ. 6821 (LBS) (March 25, 1993).

Deposition of Daniel R. Fischel In Re: Westinghouse Securities Litigation, United States District Court, Western District of Pennsylvania, CV No. 91 354 (March 23, 1993).

Declaration of Daniel R. Fischel In Re: Oracle Securities Litigation, United States District Court, Northern District of California, Master File No. C 90-0931 VRW (March 22, 1993).

Deposition of Daniel R. Fischel In Re: Kroy, Inc., a Minnesota corporation et al. v. Bankers Trust New York Corporation, et al., Superior Court of the State of Arizona in and for the County of Maricopa, No. CV 89-35680 (March 18, 1993).

Deposition of Daniel R. Fischel In Re: Amos M. Ames, Helen M. Ames, Robert F. Bourke, Louise L. Bourke, Leo E. Corr, April C. Corr, Wence M. Horak, Ruth Horak, Robert T. Freas, Maurita Freas, Bruce Fink, Jr., William H. Jones, Candace A. Jones, Richard Paul, William L. Paul, Carole Paul, Steven J. Paul, Best Power Technology, Incorporated, and Best Power Technology Sales Corporation, in the State of Wisconsin, Circuit Court, Juneau County, Consolidated Case Nos. 92-CV-31, 92-CV-32 (January 26, 1993).

Deposition of Daniel R. Fischel In Re: Federal Express Corporation Shareholder Litigation, in the United States District Court, Western District of Tennessee, Master File No. 90-2359- 4B (December 3, 1992).

Deposition of Daniel R. Fischel In Re: Raymond Snyder, Individually and on behalf of all those similarly situated v. Oneok, Inc., et al., in the United States District Court, Northern District of Oklahoma, Civil Action No. 88 C 1500 E (October 15 and 16, 1992).

Deposition of Daniel R. Fischel In Re: Melridge, Inc. Securities Litigation, Consolidated Actions, United States District Court, District of Oregon, Master File No. CV87-1426-JU and Nos. 387-06589-P11, 88-05-JU, 88-221-JU, 88-0699-PA, 88-1266-JU (September 17, 1992; July 25 and 26, 1991).

Deposition of Daniel R. Fischel In Re: Maxus Corporate Company v. Kidder, Peabody & Co. Incorporated, Martin A. Siegel and Ivan F. Boesky, in the District Court Dallas County, Texas, 298th Judicial District, No. 87-15583-M (September 11, 1992; August 18 and 19, 1992).

Deposition of Daniel R. Fischel In Re: Jennifer A. Florin and Alan L. Mundt, on behalf of themselves and all others similarly situated v. Wesray Capital Corp., Citizens and Southern Trust Company, a subsidiary of Citizens and Southern Corporation, Robert K. Barton, Leonard S. Gaby, Allen G. Lacoe, Robert A. Magnusson, Anthony A. Saliture, Harlan B. Smith, Thomas F. Stutzman, Raymond G. Chambers, Frank E. Richardson, E. Burke Ross, Jr., William E. Simon and Frank W. Walsh, Jr., in the United States District Court, Western District of Wisconsin, Civil Action No. 91C-0948 (August 12, 1992).

Deposition of Daniel R. Fischel In Re: Pearl Newman, Shanna Lehmann & Athanasios Tsivelekidis, on their own behalf and on behalf of all other persons similarly situated v. On- Line Software International, Inc. Jack M. Berdy, John C. Crocker, Richard A. Granger, Richard R. Holtmeier, Michael S. Juceam, Edward J. Siegel, Howard P. Sorgen and Richard Ward, United States District Court, District of New Jersey, Consolidated Civil Action Nos. 88-3247, 88-3411 (July 28 and 29, 1992).

Deposition of Daniel R. Fischel In Re: Crazy Eddie Securities Litigation, Oppenheimer-Palmieri Fund, I.P., et al. v. Peat Marwick Main & Co., et al., United States District Court for the Eastern District of New York, 87 Civ. 0033 (EHN), 88 Civ. 3481 (EHN) (June 11, 1992; March 26 and 27, 1992).

Testimony of Daniel R. Fischel In Re: American Continental Corporation/Lincoln Savings and Loan Securities Litigation, in the United States District Court, for the District of Arizona MDL Docket No. 834 (June 4, 1992; May 26, 27 and 28, 1992).

Testimony of Daniel R. Fischel In Re: State of West Virginia v. Morgan Stanley & Co. Incorporated, in the Circuit Court of Kanawha County, State of West Virginia, Civil Action No. 89-C-3700 (April 27, 1992).

Affidavit of Daniel R. Fischel In Re: William Steiner, on behalf of himself and all others similarly situated v. Tektronix, Inc., et al., in the United States District Court, District Court of Oregon, Civil No. 90-587-JO (March 23, 1992).

Deposition of Daniel R. Fischel In Re: Martin Kaplan and Selma Kaplan, on Behalf of Themselves and All Others Similarly Situated v. VICORP Restaurants, Inc., Charles R. Frederickson, Robert S. Benson,

Emerson B. Kendall, Robert T. Marto and Johyn C. Hoyt, United States District Court, District of Colorado, Civil Action No. 90-C-2182 (February 11, 1992).

Deposition of Daniel R. Fischel In Re: Interco Incorporated v. Wasserstein, Perella & Co., Inc., United States District Court, Eastern District of Missouri, Eastern Division, No. 91-0151-C- 6 (February 3, 1992 and December 12, 1991).

Statement of Daniel R. Fischel In Re: Far West Federal Bank, S.B., et al. v. Director, Office of Thrift Supervision, et al., United States District Court for the District of Oregon, Civil Action No. 90-103 PA (February 3, 1992).

Deposition of Daniel R. Fischel In Re: Capital Bank of California v. Morgan Stanley & Co., Incorporated, United States District Court, Central District of California, No. 91-1650-R (January 24, 1992).

Deposition of Daniel R. Fischel In Re: Trinity Ventures, et al. v. Federal Deposit Insurance Corporation, in its own capacity and as successor to the Federal Savings and Loan Insurance Corporation, United States District Court, for the District of Oregon, No. 90-103- PA (January 6, 1992).

Deposition of Daniel R. Fischel In Re: First Republicbank Securities Litigation, United States District Court, Northern District of Texas, Dallas Division, Civil Action No. 3-88-0641-H (January 2, and 3, 1992; November 26, 1991).

Deposition of Daniel R. Fischel In Re: State of West Virginia v. Morgan Stanley & Co. Incorporated; Salomon Brothers Inc.; and Goldman Sachs & Co., in the Circuit Court of Kanawha County, State of West Virginia, Civil Action No. 89-C-3700 (December 19 and 20, 1991).

Deposition of Daniel R. Fischel In Re: The Regina Company, Inc. Securities Litigation, United States District Court, District of New Jersey, Civil Action No. 88-4149 (HAA) (October 31, 1991).

Affidavit of Daniel R. Fischel In Re: Gillette Securities Litigation, United States District Court, District of Massachusetts, Civil Action No. 88-1858-K (October 7, 1991)

Deposition of Daniel R. Fischel In Re: Capital Maritime Corporation v. Amfels, Inc., Far East Levingston Shipbuilding Ltd., John B. Allison and Patrick A. McDermid, United States District Court for the Southern District of Texas Houston Division, C.A. No. H-90-3417 (September 12, 1991).

Deposition of Daniel R. Fischel In Re: Thomas J. Caldarone, Jr. v. Isidore Brown, et al., and John E. Washburn, et al. v. Isidore Brown, et al., United States District Court, Northern District of Illinois, Eastern Division, Docket Nos. 80 C 6251 and 81 C 1475 (August 28, 29, and 30, 1991).

Testimony of Daniel R. Fischel In Re: Apple Securities Litigation, United States District Court, Northern District of California, Northern Division, Docket No. C-84-20148 (May 20 and 21, 1991).

Testimony of Daniel R. Fischel In Re: The Stuart-James Co., Inc., et al. Litigation, United States of America before the Securities & Exchange Commission, in Denver, Colorado, Administrative Proceeding File No. 3-7164 (May 6, 1991).

Deposition of Daniel R. Fischel In Re: Jennie Farber on behalf of herself and all others similarly situated v. Public Service Company of New Mexico; Jerry D. Geist; John P. Bundrant and Albert J. Robison, United States District Court for the District of New Mexico, CIV 89-456 JB WWD (April 17 and 18, 1991).

Affidavit of Daniel R. Fischel In Re: Moise Katz, Frederick Rand, Elias Weissman, Richard D. Morgan, Marion R. Morgan and Mortimer Schulman v. Raymond A. Hay, United States District Court, Southern District of New York, No. 86 Civ. 5640 (JES) (March 29, 1991).

Deposition of Daniel R. Fischel In Re: Standard Chartered PLC., a United Kingdom corporation, et al. v. Price Waterhouse, a general partnership, Superior Court of the State of Arizona, in and for the County of Maricopa, CV 88-34414 (March 13 and 14, 1991).

Affidavit of Daniel R. Fischel In Re: United States of America v. AVX Corporation, and Commonwealth of Massachusetts v. AVX Corporation, United States District Court, District of Massachusetts, Civil Action Nos. 83-3882-Y and 83-3899-Y (January 29, 1991).

Deposition of Daniel R. Fischel In Re: Apple Computer Securities, United States District Court Northern District of California, San Jose Division, No. C-84-20148 (a) JW (December 13 and 14, 1990).

Deposition of Daniel R. Fischel In Re: Polycast Technology Corporation, and Uniroyal Plastics Acquisition Corp. v. Uniroyal, Inc., et al., United States District Court Southern District of New York, No. 87 Civ. 3297 (December 6, 1990 and November 28, 1990).

Deposition of Daniel R. Fischel In Re: Ellen Rudd, on behalf of herself and all others similarly situated, and Mayer Corporation on behalf of themselves, and all others similarly situated, and Louis Brandt, and Israel Baker, Jay R. Kuhne, Pininfarina Corp., and American Transfer Co., on behalf of themselves and all others similarly situated v. Kirk Kerkorian, et al., Superior Court of the State of California, County of Los Angeles, Nos. CA 000980, CA 000981, CA 001017, CA 620279 (June 21, 1990).

Testimony of Daniel R. Fischel In Re: City of San Jose v. Paine, Webber, Jackson & Curtis, Incorporated, et al., and related counter- and Third-Party Claims, United States District Court, Northern District, No. C-84-20601 RPA (May 23 and 24, 1990).

Deposition of Daniel R. Fischel In Re: City of San Jose v. Paine, Webber, Jackson & Curtis, Incorporated, et al., and related counter- and Third-Party Claims, United States District Court, Northern District, No. C-84-20601 RPA (May 22, 1990), No. RPA 84-20601 (November 16, 1989 and September 8, 1989).

Testimony of Daniel R. Fischel In Re: Kulicke and Soffa Industries, Inc. Securities Litigation, United States District Court for the Eastern District of Pennsylvania, No. 86-1656 (March 20 and 21, 1990).

Deposition of Daniel R. Fischel In Re: Kulicke and Soffa Industries, Inc. Securities Litigation, United States District Court for the Eastern District of Pennsylvania, No. 86-1656 (March 9, 1990; December 19 and 21, 1989).

Affidavit of Daniel R. Fischel In Re: Viacom International Inc. v. Carl C. Icahn, et al., v. Ralph M. Baruch, et al., United States District Court, Southern District of New York, No. 86 Civ. 4215 (RPP) (March 8, 1990).

Deposition of Daniel R. Fischel In Re: Technical Equities Coordination Litigation, Superior Court of the State of California for the County of Santa Clara, Master File No. 1991, Santa Clara County Superior No. 600306 (March 1, 1990).

Deposition of Daniel R. Fischel In Re: Amalgamated Clothing and Textile Workers Union, AFL- CIO, et al. v. David A. Murdock, et al., United States District court for the Central District of California, No. CV-86-6410 IH (February 8, 1990).

Deposition of Daniel R. Fischel In Re: Connecticut National Life Insurance Company, et al. v. Peter A. Sprecher and Laventhol & Horwath, United States District Court, Central District of California, No. CV 87-1945 WJR (Tx) (January 30, 1990).

Deposition of Daniel R. Fischel In Re: Consolidated Capital Securities Litigation, United States District Court, Northern District of California, No. C-85-7332 AJZ (January 22, 1990).

Declaration of Daniel R. Fischel In Re Plaintiffs' Damages in Re: Liquidity Fund, et al. v. Southmark Corporation, et al. in the Superior Court of the State of California for the County of San Mateo, No. 332435 (January 18, 1990).

Deposition of Daniel R. Fischel In Re: Norman Kamerman, Shirley Brown, Edward Rosen, Lexim Investors Corp., and Dohsa Anstalt, on behalf of themselves and all others similarly situated, and Barnett Stepak v. Saul Steinberg, Reliance Group Holdings, Inc., Reliance Group, Inc., Reliance Financial Services corp., and Reliance Insurance Company, United States District Court, Southern District of New York, No. 84 Civ. 4440 (September 13, 1989).

Affidavit of Daniel R. Fischel In Re: Edward A. Taylor, et al. v. A. O. Smith Corporation et al., Circuit Court for Lincoln County, Tennessee, No. 098-84 (August 11, 1989).

Deposition of Daniel R. Fischel In Re: Container Products Inc. v. Pace Industries, United States District Court, Southern District of New York, No. 88-CIV. 3549 (KMW) (July 19, 1989).

Deposition of Daniel R. Fischel In Re: Joseph B. Moorman, et al. v. Southmark Corporation, et al., Liquidity Fund, et al. v. Southmark Corporation, et al., Superior Court of the State of California for the County of San Mateo, Nos. 322135 and 332435 (July 11, 1989).

Testimony of Daniel R. Fischel In Re: Tessie Wolfson, et al. v. Frederick S. Hammer, and Meritor Financial Group, United States District Court for the Eastern District of Pennsylvania, Civil Action No. 87-8471 (June 20, 1989).

Deposition of Daniel R. Fischel In Re: Richard J. Heckmann, et al. v. C. L. Ahmanson, et al., and Consolidated Cases, Superior Court of the State of California for the County of Los Angeles, Nos. CA000851 and C642081 (June 8, 1989).

Deposition of Daniel R. Fischel In Re: Tessie Wolfson, et al. v. Frederick S. Hammer, United States District Court for the Eastern District of Pennsylvania, Civil Action No. 87-8472 (May 11, 1989).

Testimony of Daniel R. Fischel In Re: Tessie Wolfson, et al. v. Frederick S. Hammer, United States District Court for the Eastern District of Pennsylvania, Civil Action No. 87-8472 (April 13, 1989).

Deposition of Daniel R. Fischel In Re: National Union Fire Insurance Company of Pittsburgh, PA v. Wells Fargo Bank, N.A., District Court of Harris County, Texas, 125th Judicial District, No. 88-49246 (April 10 and 11, 1989).

Deposition of Daniel R. Fischel In Re: Susan Rothenberg, as Custodian for Stephen J. Rothenberg v. Charles E. Hurwitz, United Financial Corporation, United Savings Association of Texas, et al., United States District Court for the Southern District of Texas, Houston Division, Civil Action No. H-86-1435 (March 30, 1989).

Deposition of Daniel R. Fischel In Re: Jose Nodar, et al. v. William Weksel, Albert Bromberg, Henry B. Turner, IV, Frank L. Bryant, Leo Kuperschmid, Bennett S. Lebow, Ernst & Whinney and Oppenheimer & Co., Inc., United States District Court, Southern District of New York, No. 84 Civ. 3870 (VLB) and consolidation case No. 84 Civ. 5132 (VLB) (December 15 and 16, 1988).

Deposition of Daniel R. Fischel In Re: William Steiner, et al. v. Whittaker Corporation, et al., Superior Court of the State of California for the County of Los Angeles, No. CA000817 (December 7, 1988).

Deposition of Daniel R. Fischel In Re: Arnold I. Laven, et al. v. Western Union Corporation, et al., United States District Court for the District, Western District of Washington, MDL No. 551 (August 30 and 31, 1988).

Deposition of Daniel R. Fischel In Re: Washington Public Power Supply System Securities Litigation, United States District Court, Western District of Washington, MDL No. 551 (August 16 and 22, 1988).

Affidavit of Daniel R. Fischel In Re: District Business Conduct Committee for District No. 3 v. Blinder, Robinson & Company Inc., et al., National Association of Securities Dealers, Inc. National Business Conduct Committee, Complaint No. DEN-666 (July 21, 1988).

Deposition of Daniel R. Fischel In Re: Joseph Seidman, et al. v. Stauffer Chemical Company, et al, United States District Court for the District of Connecticut, No. B 84-543 (TFGD) (June 10, 1988 and May 5, 1987).

Deposition of Daniel R. Fischel In Re: Edlin Cattle Co., Inc., and James Edlin v. A. O. Smith Harvestore Products, Inc., et al., United States District Court for the Northern District of Texas, Amarillo Division, No. CA-2-86-0122 (May 12, 1988).

Deposition of Daniel R. Fischel In Re: MicroPro Securities Litigation, United States District Court for the Northern District of California, No. C-85-7428-EFL (A) (May 2, 1988).

Affidavit of Daniel R. Fischel In Re: Pizza Time Theatre Securities Litigation, United States District Court for the Northern District of California, Civil File No. 84-20048-(A)-RPA (March 25, 1988).

Affidavit of Daniel R. Fischel and Robert A. Sherwin In Re: First National Bank of Louisville v. Brooks Farms, and George C. Brooks, et al., Third-Party Plaintiffs v. A. O. Smith Corporation, et al., Circuit Court for Maury County, Tennessee, No. 2058 (March 3, 1988).

Testimony of Daniel R. Fischel In Re: Nucorp Energy Securities Litigation, United States District Court for the Southern District of California, M.D.L. 514 (March 15, 16, 17, and 18, 1988).

Deposition of Daniel R. Fischel In Re: Nucorp Energy Securities Litigation, United States District Court for the Southern District of California, M.D.L. 514 (January 27, 1988).

Deposition of Daniel R. Fischel In Re: Anheuser-Busch Companies, Inc. v. W. Paul Thayer, et al., United States District Court for the Northern District of Texas, Dallas Division, No. CA- 3-85-0794-R (January 21, 1988; December 4, 1987; and November 5, 1987).

Testimony of Daniel R. Fischel In Re: Securities and Exchange Commission v. First City Finance Corporation Ltd., and Marc Belzberg, United States District Court for the District of Columbia, Civil Action No. 86-2240 (December 18, 1987).

Testimony of Daniel R. Fischel In Re: The Irvine Company v. Athalie Irvine Smith and Athalie R. Clarke, Trustee, State of Michigan Circuit Court for the county of Oakland, Civil Action No. 8327011-CZ (December 14, 15, and 16, 1987).

Deposition of Daniel R. Fischel In Re: Securities and Exchange Commission v. First City Finance Corporation, Ltd. and Marc Belzberg, United States District Court for the District of Columbia, Civil Action No. 86-2240 (December 11, 1987).

Affidavit of Daniel R. Fischel In Re: Gerald D. Broder and Constance D. Broder v. Alphonse H. Bellac and William B. Weinberger v. Combustion Equipment Associates, Inc., et al., and William B. Weinberger v. Coopers & Lybrand, United States District Court for the Southern District of New York, 80 CIV 6175 (CES) 80 CIV 6839 (CES) 84 CIV 8217 (CES) (July 22, 1987).

Deposition of Daniel R. Fischel In Re: The Irvine Company v. Athalie Irvine Smith and Athalie R. Clarke, Trustee, State of Michigan, Circuit Court for the County of Oakland, Civil Action No. 83270011-CZ (June 1, 1987).

Deposition of Daniel R. Fischel In Re: Fortune Systems Securities Litigation, United States District for the Northern District of California, Master File No. 83-3348A-WHO (May 7, 1987).

Deposition of Daniel R. Fischel In Re: Victor Technologies Securities Litigation, United States District Court for the Northern District of California, Master File No. C-83-3906(A)-RFP (FW) (January 8, 1987 and October 30, 1986).

Reply Declaration of Daniel R. Fischel in Support of the Motion by the Activision Defendants for Summary Judgment In Re: Activision Securities Litigation, United States District Court for the Northern District of California, Master File No. C-83-4639(A)-MHP (October 27, 1986).

Testimony of Daniel R. Fischel In Re: NVHomes, L.P. v. Ryan Homes, Inc.; and Ryan Homes, Inc. v. NVHomes, L.P., et al., United States District Court for the Western District of Pennsylvania, Civil Action No. 86-2139 (October 24, 1986).

Supplemental Affidavit of Daniel R. Fischel In Re: NVHomes, L.P. v. Ryan Homes, Inc.; and Ryan Homes, Inc. v. NVHomes, L.P. and NVAcquisition L.P., et al., United States District Court the Western District of Pennsylvania, Civil Action No. 86-2139 (October 24, 1986).

Affidavit of Daniel R. Fischel in Support of the Motion by the Activision Defendants for Summary Judgment In Re: Activision Securities Litigation, United States District Court for the Northern District of California, Master File No. C-86-2139 (October 20, 1986).

Declaration of Daniel R. Fischel in Support of the Motion by the Activision Defendants for Summary Judgment In Re: Activision Securities Litigation, United States District Court for the Northern District of California, Master File No. C-83-4639(A)-MHP (October 2, 1986).

Affidavit in Support of Defendants Motion for Summary Judgment In Re: MCorp Securities Litigation, United States Court for the Southern District of Texas, Civil Action No. H-85- 5894 (September 25, 1986).

Deposition of Daniel R. Fischel In Re: Activision Securities Litigation, United States District Court for the Northern District of California, No. C 83 4639 (August 18 and 19, 1986).

Deposition of Daniel R. Fischel In Re: John Mancino v. James A. McMaghan, et al., United States District Court for the Northern District of California, Civil No. C-84-0407-TEH (August 14, 1986).

Testimony of Daniel R. Fischel In Re: Charles W. Leigh, et al. and George Johnson, et al. v. Clyde William Engle, et al., United States District Court for the Northern District of Illinois, Eastern Division, Case No. 78 C 3799 (August 1, 1986).

Reply Affidavit of Daniel R. Fischel In Re: The Amalgamated Sugar Company v. NL Industries, United States District Court for the Southern District of New York, 86 Civ. 5010 (VLB) (July 28, 1986).

Affidavit of Daniel R. Fischel In Re: The Amalgamated Sugar Company v. NL Industries, United States District Court for the Southern District of New York, 86 Civ. 5010 (VLB) (July 18, 1986).

Deposition of Daniel R. Fischel In Re: Charles W. Leigh, et al. and George Johnson, et al. v. Clyde William Engle, et al., United States District Court for the Northern District of Illinois, Eastern Division, Case No. 78 C 3799 (July 1, 1986).

Deposition of Daniel R. Fischel In Re: Seafirst Corporation v. William M. Jenkins, et al.; and Seafirst Corporation v. John R. Boyd, et al., United States District Court for the Western District of Washington at Seattle, Case No. C83-771R (February 27, 1986).

Deposition of Daniel R. Fischel In Re: Kreindler v. Sambo's Restaurants, Inc., United States District Court for the Southern District of New York, Case No. 79 Civ. 4538 (December 17, 1985).

Affidavit of Daniel R. Fischel In Re: United States of America v. S. Richmond Dole and Clark J. Matthews II (March 19, 1985).

Deposition of Daniel R. Fischel In Re: Craig T. McFarland, et al. v. Memorex Corporation, United States District Court for the Northern District of California, No. C 79-2926-WAI, C 79-2007-WAI, C 79-241-WAI (February 26, 1985; January 29 and 30, 1985).

Testimony of Daniel R. Fischel In Re: Robert J. Lawrence v. Grumman Corp. Pension Plan, et al., United States District Court for the Eastern District of New York, No. CV-81-3530 (December 19, 1983).

Testimony of Daniel R. Fishel In Re: Telvest, Inc. v. Junie L. Bradshaw, et al. and American Furniture Company, United States District Court, for the Eastern District of Virginia Richmond Division, No. CA-79-0722-R (December 4, 1981).

OTHER ACTIVITIES

Member, American Economic Association, American Finance Association.

Former Member of the Board of Overseers of the Becker-Friedman Institute at the University of Chicago.

Former Advisor to the Harvard Program on Corporate Governance at Harvard University. Former

Member, Board of Directors, Center for the Study of the Economy and the State. Former Member,

Mid-America Institute Task Force on Stock Market Collapse.

Have acted as a consultant and/or advisor to the New York Stock Exchange, the National Association of Securities Dealers, the Chicago Board of Trade, the Chicago Board Options Exchange, the Chicago Mercantile Exchange, the New York Mercantile Exchange, the Federal Trade Commission, the Department of Labor, the Securities and Exchange Commission, the Canadian Securities and Exchange Commission, the United States Department of Justice, the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, the Federal Housing Finance Agency, and the Office of Thrift Supervision.

Referee, Journal of Financial Economics, Journal of Law and Economics, Journal of Legal Studies.

Participant and speaker at multiple conferences on the Economics of Corporate, Securities and Commodities Law and the Regulation of Financial Markets.

Former Chairman, American Association of Law Schools' Section on Law and Economics.

APPENDIX B

Materials Relied Upon

Legal Documents & Expert Reports

Expert Report and Exhibits of [REDACTED] Ph.D., October 4, 2021

Securities and Exchange Commission v. Ripple Labs, et al., First Amended Complaint, February 18, 2021

Securities and Exchange Commission v. Ripple Labs, et al., Plaintiff's Answers and Objections to Defendants' First Set of Requests for Admission, July 16, 2021

Securities and Exchange Commission v. W. J. Howey Co. et al, 328 U.S. 293, 1946

Websites

<https://ripple.com/insights/explanation-ripples-xrp-escrow/>

<https://xrpl.org/history.html>

<https://xrpl.org/xrp-ledger-overview.html>

Academic Literature & Textbooks

A. Craig MacKinlay, "Event Studies in Economics and Finance," 35 *Journal of Economic Literature* (1997), 13-39

Ali Hortaçsu, Gregor Matvos, Chad Syverson, and Sriram Venkataraman, "Indirect Costs of Financial Distress in Durable Goods Industries: The Case of Auto Manufacturers," *The Review of Financial Studies* Vol. 26, No. 5 (May 2013), 1248–1290

Aswath Damodaran, "Approaches to Valuation," in *Investment Valuation: Tools and Techniques for Determining the Value of Any Asset*, 3rd Ed. (John Wiley & Sons, 1996), 11-26

Chris Veld and Yulia V. Veld-Merkoulova, "An Empirical Analysis of the Stockholder-Bondholder Conflict in Corporate Spin-Offs," *Financial Managements* (Spring 2008), 103-124

Daniel R. Fischel, "Use of Modern Finance Theory in Securities Fraud Cases Involving Actively Traded Securities," 38 *The Business Lawyer* (1982), 1-20

Eugene Fama, Lawrence Fisher, Michael C. Jensen, and Richard Roll, "The Adjustment of Stock Prices to New Information." 10.1 *International Economic Review* (1969), 1-21

Eugene Fama, “Efficient Capital Markets: A Review of Theory and Empirical Work,” 25 *Journal of Finance* (1970), 383-417

John J. Binder, “The Event Study Methodology Since 1969,” 11 *Review of Quantitative Finance and Accounting* (1995), 111-137

Joris Drayer, Daniel A. Rascher & Chad D. McEvoy, “An examination of underlying consumer demand and sport pricing using secondary market data,” *Sport Management Review* 15:4 (2012), 448-460

Larry Y. Dann, “Common Stock Repurchases: An Analysis of Returns to Bondholders and Stockholders,” *Journal of Financial Economics* Vol. 9 (1981), 113-138

Michael Firth, “The Impact of Earnings Announcements on the Share Price Behavior of Similar Type Firms,” *The Economic Journal* 86 (June 1976), 296-306

Mohammad Hashemi Joo, Yuka Nishikawa, and Krishnan Dandapani, “Announcement effects in the cryptocurrency market,” *Applied Economics* Vol. 52, No. 44 (2020), 4794-4808

Narayanan Jayaraman and Kuldeep Shastri, “The Valuation Impacts of Specially Designated Dividends,” *Journal of Financial and Quantitative Analysis* Vol 23, No. 3 (September 1988), 301-312

Paul Asquith and E. Han Kim, “The Impact of Merger Bids on the Participating Firms’ Security Holders,” *Journal of Finance* Vol. 37, No. 5 (December 1982), 1209-1228

Ronald J. Gilson and Bernard S. Black, *The Law and Finance of Corporate Acquisitions* 2nd Ed. (The Foundation Press, 1995), 185-187

Stephen P. Baginski, “Intraindustry Information Transfers Associated with Management Forecasts of Earnings,” *Journal of Accounting Research* Vol. 25, No. 2 (Autumn 1987), 196-216

Wenjun Feng, Yiming Wang, and Zhengjun Zhang, “Informed Trading in the Bitcoin Market,” *Finance Research Letters* Vol. 26 (2018), 63-70

All other documents cited in this report and exhibits and appendices.